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GENERAL INDEX

TOPIC INDEX

ACTIONS
Actions to recover rent 118-121
  Distress for rent 118
Possessory actions under lease contracts 107-117
  Action when tenant deserts 115
  Statutory eviction 112
  Unlawful entry and detainer 107

BANKRUPTCY
Modern Bankruptcy Manual, a book note 526

CIVIL RIGHTS
Loyalty oaths, validity of when required of state employee 321-328

CONFLICT OF LAWS
Application of Mississippi's amended long-arm statute 25
Title of holder of conditional sales contract protected after property removed from state of contract 2

CONSTITUTIONAL LAW
Coerced confessions, finding of as a result of physical brutality 68-70
Coerced confessions, finding of as a result of psychological tactics 71
Congressional debate of Civil Rights Act of 1875 analyzed 179-247
  Due process, debates as to the meaning of prior to the passage of Civil Rights Act of 1875 217-218
  Equal protection of the laws, debates as to the meaning of prior to passage of Civil Rights Act of 1875 . 180-181, 189-191, 209-210, 217-218, 219, 220, 227
  Fourteenth amendment, debates as to the meaning of prior to passage of Civil Rights Act of 1875 ....186, 189, 210, 215, 217-218, 219-220, 227, 229, 232, 233-234, 237
  Privileges and immunities clause, debates as to the meaning of prior to passage of Civil Rights Act of 1875 .....189, 191, 209, 217-218, 219, 221, 223, 226, 227
  Predictions as to effect on state school systems if schools were integrated as a result of federal law during debate leading to passage of Civil Rights Act of 1875 ..... 193, 194-195, 191, 187, 184, 182, 209, 223-224, 225-226, 226-227, 229, 231, 236, 238, 250
Curriculum control by the courts, constitutional considerations 490
Fifth amendment rights to remain silent, requirement that waiver of be knowing, intelligent and reflected in the record 66
Fourteenth amendment
  Coerced confessions, due process clause of as authority to rejection 62
  Negroes, systematic exclusion of from juries a denial of equal protection . 15
  The poor, systematic exclusion of is violation of equal protection 508-513
  Women, exclusion of from jury service not a violation of equal protection 12
Loyalty Oaths
  Validity of loyalty oaths required of state employees 321-328
Mississippi Campus speakers ban, constitutional consideration of 489

Sixth Amendment
Attachment of right to counsel during interrogation process 63
Specific request unnecessary for right to counsel to attach 9
Systematic exclusion of the poor from the venire 508
Textbook selection, constitutional consideration of 492

CONTRACTS
Leases, forms and covenants in 124-134
Contract as theory upon which wife held liable for necessities purchased by her 151
Privity of contract not required in suit by purchaser against manufacturer 341
Right to contract: an analysis of usury legislation and the Mississippi Corporate Exception statute 347

CORPORATIONS
Basic corporate practice, a book note 526

COURTS
Circuit courts of Mississippi, references in 135-148
Intervention of in academic matters 503
Order extending term of court must specifically state extension 4
Supreme Court of Mississippi
Case load of 51
Length of time required for decision by 55
Reasons for reversal in 53
Youth court, right to counsel in 14

CREDITORS RIGHTS
Preference of landlord over tenant's other creditors 122

CRIMINAL LAW
Analysis of plea bargaining in Mississippi 264-271
Appointment of counsel to indigent defendants 255-259
Assigned counsel system in Mississippi 262-271
Authority to assign counsel in Mississippi 260
Compensation of assigned counsel in Mississippi 261
Determination of indigency status 268-269
Custodial interrogation, the new code of as pronounced in *Miranda* 57
Error coram nobis is proper remedy to test conviction when defendant unable to appeal 11
Federal courts, criminal responsibility in 513
Juvenile proceedings, right to counsel in 14
Miranda decision
Accommodation to 75
Custody, as defined in 74
Interrogation, as defined in 74
Judicial legislation in 57
Legislative history of 61
Waiver, as defined in 74
Warning of rights, as defined in 74

New trial is proper remedy when prosecution did not take advantage of defendant's deprivation of right to counsel 12
Probable cause, requirement that it be shown on face of search warrant .. 12
Public defender system, advantages and disadvantages of 271
Proposal for by Mississippi State Bar Committee 272-273
Reopening case after submission to jury, necessity to show good cause before 12

DEEDS
Quitclaim deeds, applicability of doctrine of estoppel by deed to 85

DOMESTIC RELATIONS
Fraud, effect of by a party before divorce decree becomes final 18
Habitual cruel and inhuman treatment, when alleged by both parties, does not entitle both to divorce 17
Wife's liability for necessities 150

DUE PROCESS
Bills of attainder, constitutional provision against as violated by speakers bans 501

EMINENT DOMAIN
Life tenant, proceeds to when estate damaged by eminent domain 20

EMPLOYERS
Workmens compensation cases, necessity for employer to plead apportionment in 32

EQUAL PROTECTION
Systematic exclusion of Negroes from juries a denial of equal protection 15

ERROR CORAM NOBIS
Error Coram nobis proper remedy to test conviction when defendant unable to appeal 11

ESTATE TAXATION
Ascertainable standard, trust powers limited by as distinguished from no ascertainable standard 292-293
Life insurance, when included in estate for estate tax purpose 291
Life interest in property places it in estate for estate tax purposes 282-283
Outright-transfer with oral agreement for donor to retain certain income places entire property in donor's estate for estate tax purposes 287
Power to amend, alter or revoke retained by grantor makes trust includable in gross estate 290
Reciprocal arrangements in trusts result in inclusion of property in gross estate 290-291
Retained possession or enjoyment places property in estate for estate tax purposes 283, 286
Retained power interest in trust to designate who property will go to results in inclusion of property in estate for estate tax purposes 292

Transfer of house to spouse not falling within scope of retained "possession and enjoyment" rule 286

ESTOPPEL
Doctrine of after-acquired title as based upon principle of 84

EVIDENCE
Condemnation cases, admissibility of evidence with no probative value in .. 46
Dead man's statute, no partial waiver of 43
Exact science books and learned treatises as used in evidence 296-318
Advantages of in examination of expert witnesses 314-318
Almanacs, use of as evidence 300
Cross-examination, use of learned treatises in 307-309
Dictionaries, use of as evidence 301
Direct-examination, use of learned treatises in 302
Encyclopedias, use of as evidence 301-302
Hearsay rule, learned treatises as exception to 296
Historical works, use of as evidence 301-302
Objections to use of learned treatises, etc. 296-297
Safety Codes, use of as evidence 299-300
Scientific materials, use of as evidence 297-302
Statutory limitations on use of learned treatises, etc. 302
Physician-patient privilege, waiver of by patient's detailed testimony on direct-examination concerning physician's findings 47

FIDUCIARIES
Confidential and fiduciary relationships, history and definitions of 156-164
Redemption of title at tax sale by a co-owner in effect a redemption by both 27
Transaction between fiduciaries, scrutinization of 156-164

FUTURE INTERESTS
Rule against perpetuities, the "possibilities" application of 21

HABEAS CORPUS
Writ of habeas corpus not proper remedy to test sufficiency of conviction when defendant unable to appeal 10

HUSBAND AND WIFE
Habitual cruel and inhuman treatment, allegation of by both parties insufficient to entitle both to divorce 17
Purchase of necessities, personal liability of wife for 19, 150

INSURANCE
Ambiguous disability definition, construction of 23
Duty to defend determined by factors other than allegations of complaint 21, 328-334
Ascertainable facts determine duty to defend, criticism of 329
Duty to defend insured where suit is groundless, false or fraudulent 21, 329, 330
Liability insurance coverage, disclosure of as grounds for mistrial 520

INTERNATIONAL TRADE
Symposium on international trade 365-418
Central American common market, doing business in 408-418
Deterrents and incentives to foreign trade 401-408
Latin America, opportunities for Mississippi businessmen 369-385
Legal problems of international business 365-368
Tax aspects of export operations 386-400

JURIES
Negroes, systematic exclusion of from jury service 15
The poor, systematic exclusion of from jury service 508-513
Women, exclusion of from jury service 8

JUDGMENTS
Nullification of when entered during extension of court when extension not specifically stated in court order 4

JUDGES
Withdrawal of judge required when he is reasonably believed by litigant to be biased 6

JURISDICTION
Mississippi's long-arm statute, application of 23

JUVENILES
Right to counsel in juvenile proceedings 14

LANDLORD AND TENANT
Incidents of the lease 100-107
Landlord's actions to recover rent 118-121
Distress for rent, action of 118-121
Possessory actions available to landlord 107-118
Action when tenant deserts 115
Statutory eviction 112-115
Unlawful entry and detainer 107-121
Security devices available to landlord 121-123
Agricultural products, liens on 121
Livestock and equipment, liens on 122
Tenant's other creditors, preference of landlord over 122

LEASES
Action to recover rent 118-121
Distress for rent 118-121
Nature and requisite of action 118
Procedure in action of 119
After-acquired title doctrine, applicability of to oil and gas leases 91
Apartment house leasing, Mississippi's law of landlord and tenant as applicable to 98-134
Assignment of leases 102
Incidents of leases 100
Possessory actions with regard to 107-118

Action when tenant deserts 115-116
Nature of action 115
Procedure in and appeal from 115
Statutory eviction 112-115
Affidavit to remove in 112-115
Requisites of action 112
Unlawful entry and detainer 107-112
Requisites of action 107
Suits in county court for 108
Suits in special justice court for 110
Recording laws as applicable to leases 101
Security devices concerning leases 121-123
Agricultural products, liens on 121
Livestock and equipment, liens on 122
Statute of frauds as applicable to leases 100
Subletting of premises 103-106
Surrender of tenancy 102

LEGAL SERVICES
Analysis of the OEO Legal Services program 419

LEGISLATION
Reapportionment, a book note 177
The New Wage and Hour Law, a book note 527

LIENS
Agricultural products, landlord's lien on 121
Livestock and equipment, landlord's lien on 122
Liens executed outside Mississippi, negation of state statute requiring recordation in Mississippi 4

OIL AND GAS
After-acquired title doctrine as applicable to conveyances of interests in 84
Mineral title, applicability of after-acquired title doctrine to in oil and gas lease 95
Royalty title, applicability of after-acquired title doctrine to failure of in oil and gas lease 94

PLEADINGS
Filing of responsive pleading precludes default judgment even though attorney withdraws them subsequently 2
Workmen's Compensation, necessity of pleading apportionment by employer in 32

PRACTICE AND PROCEDURE
Actions to recover rent, procedure in suit for 119
Actions when tenant deserts, procedure in suit for 115
References, procedural requirements for in circuit court 138-146
Unlawful entry and detainer, procedure for filing in county court 108-109
Unlawful entry and detainer, procedure for filing in circuit court 110-111
Pattern automobile interrogatories, a book note 527

REFERENCES
History and definitions of 135-136
Referees, reports and finding of 147-149
References in the circuit courts of Mississippi 135-149
Referees, qualifications, powers, and duties of 146-147

SECURITIES
Security interests in personal property, a book review 175

SEARCH AND SEIZURE
Evidence obtained from seizure excluded when probable cause not shown on face of search warrant 12

SUPREME COURT OF MISSISSIPPI
Case load of 51
Reasons for reversal of cases by 53
Length of time required for decisions by 55

TAXATION
Depreciation deduction, allowance of in year of sale 334-341
Estate taxation, inclusion of gifts in the estate of the transferor under section 2036 282-293

TITLE
Tax sale, redemption of title by co-owner at in effect a redemption by both owners 27

TORTS
Charitable immunities, doctrine of 165
Disclaimer, effect of in implied warranty case 345
Maritime personal injuries, a book note 526
Products liability; strict liability as theory of recovery 28, 343, 345

TRIALS
Liability insurance coverage, disclosure of as grounds for mistrial 520

TRUSTS
Rule against perpetuities, the wait and see application of 51

UNIFORM COMMERCIAL CODE
An introduction to the Uniform Commercial Code, a book note 177
Security interests in personal property, a book review 175

USURY
An analysis of usury legislation and the Mississippi
Corporate Exception statute 347
Corporations, exception from coverage of usury laws 354
Economic theory involved in usury laws 349
Evaluation of proposed changes 353
Small loan acts 353

WILLS
Beneficiaries, presumption of undue influence when in confidential relationship to testator 160
Joint wills, irrevocability arising from benefits received by surviving spouse 31
Renunciation by guardian for incompetent spouse allowed after statutory six-month period 32
Will contests, no partial waiver of dead man's statute in 44

WITNESSES
Condemnation cases, testimony of non-expert witness in 46
Physician-patient privilege, waiver of by patient in detailed testimony on direct examination 48

WORKMEN'S COMPENSATION
Pleadings, necessity of pleading apportionment by employer in 32
Separate rights of recovery in 38

ARTICLES

By Author

ALFRED AVINS
Defacto and De Jure School Segregation: Some Reflected Light on the Fourteenth Amendment from the Civil Rights Act of 1875 179
JOHN R. BRADLEY
1965-66 Supreme Court Term—Some Significant Changes 1
JAMES M. BROWN
Symposium: International Trade 369
WALTER E. DELLINGER, III
School Segregation and Professor Avins' History: A Defense of Brown v. Board of Education 248
STEPHEN GOROVE
Symposium: International Trade 365
JOHN H. GUTTENTAG
Symposium: International Trade 386
DUMOND PECK HILL
Symposium: International Trade 401
E. CLIFTON HODGE, JR.
1965-66 Supreme Court Term—Some Significant Changes 1
EARL JOHNSON, JR.
An Analysis of the OEO Legal Services Program 419
BILL P. JOYNER
Mississippi's Efforts at Industrialization: A Critical Analysis 433
ANDREW H. POWER
Symposium: International Trade 408
WILLIAM M. RAINEY
1965-66 Supreme Court Term—Some Significant Changes 1
JON P. THAMES
Mississippi's Efforts at Industrialization: A Critical Analysis 433

PARHAM H. WILLIAMS, JR.
The Criminal Versus Society: Some Observations on the Accommodation of Mississippi Criminal Procedure to the Evolving Concepts of "Constitutionalized" Due Process—Parts II and III 57, 254

By Title

An Analysis of the OEO Legal Services Program .....*Earl Johnson, Jr.* 419
The Criminal Versus Society: Some Observations on the Accommodation of Mississippi Criminal Procedure to the Evolving Concepts of "Constitutionalized" Due Process .....*Parham H. Williams, Jr.* 57, 254
De Facto and De Jure School Segregation: Some Reflected Light on the Fourteenth Amendment from the Civil Rights Act of 1875 .....*Alfred Avins* 179
Mississippi's Efforts at Industrialization: A Critical Analysis .....*Bill P. Joyner* and *Jon P. Thames* 433
1965-66 Mississippi Supreme Court Term—Some Significant Changes .....*John R. Bradley, Jr., E. Clifton Hodge, Jr.,* and *William M. Rainey* 1
School Segregation and Professor Avins' History: A Defense of Brown v. Board of Education .....*Walter E. Dellinger, III* 248
Symposium: International Trade .....*Stephen Gorove* 365
James M. Brown 369
John H. Guttentag 386
Dumond Peck Hill 401
Andrew H. Power 408

STUDENT COMMENTS

The After-Acquired Title Doctrine and Mineral Conveyances .....*Leonard A. Blackwell* and *James S. George* 84
Apartment House Leasing in Mississippi .....*Michael B. Taylor* 98
Estate Taxation—Inclusion of Gifts in the Estate of the Transferor under Section 2036 .....*George Harold Noe* 282
Mississippi's Campus Speaker Ban: Constitutional Considerations and the Academic Freedom of Students .....*Donald R. Stacy* 488
References in the Circuit Courts of Mississippi .....*Robert K. Upchurch* 135
Use and Introduction of Exact Science Books and Learned Treatises .....*George M. Fleming* 296

STUDENT NOTES

By Title

CONSTITUTIONAL LAW
Systematic Exclusion of the Poor et al: The Changing Notion of Equal Protection .....*Donald R. Stacy* 508
Validity of Loyalty Oaths Required of State Employees .....*Martin A. Kilpatrick* 321

CRIMINAL LAW
Criminal Responsibility in the Federal Courts ..... *Luther M. Thompson* 513
DOMESTIC RELATIONS
Wife's Liability for Necessities for Which She Has Contracted ..... *Jason H. Floyd, Jr.* 150
FRAUD AND UNDUE INFLUENCE
Confidential Relationships and the Presumption of Undue Influence ..... *Jesse Murray Akers* 156
INSURANCE
Disclosure of Liability Insurance Coverage as Grounds for Mistrial ..... *Jesse R. Adams, Jr.* 520
The Duty to Defend Determined by Factors Other Than Allegations of Complaint ..... *Donnie Brock* 328
TAXATION
Allowance of Depreciation in Year of Sale ..... *James K. Dossett, Jr.* 334
TORTS
Liability of Charitable Institution for Damages in Excess of Its Liability Insurance Coverage ..... *George Locklin Bounds, Jr.* 164
Strict Liability of a Manufacturer to a Consumer ..... *Sherrill Wayne Easterling* 341
USURY
An Analysis of Usury Legislation and the Mississippi Corporate Exception Statute ..... *Raymond Mize Conner* 347

Cases Noted

Cooke v. Adams, 183 So. 2d 925 (Miss. 1966) 150
Elfbrandt v. Russell, 86 Sup. Ct. 1238 (1966) 321
Fribourg Nav. Co. v. Commissioner, 383 U.S. 272 (1966) 334
Labat v. Bennett, 365 F.2d 698 (5th Cir. 1966), cert. denied 87 Sup. Ct. 1303 (1967) 508
Lipson v. Lipson, 183 So. 2d 900 (Miss. 1966) 156
Mavar Shrimp & Oyster Co. v. United States Fid. & Guar. Co., 187 So. 2d 871 (Miss. 1966) 328
Myers v. Drozda, 180 Neb. 183, 141 N.W.2d 852 (1966) 164
State Stove Mfg. Co. v. Hodges, 189 So. 2d 113 (Miss. 1966) 341
United States v. Freeman, 357 F.2d 606 (2d Cir. 1966) 513

BOOK REVIEWS

Recovery for Wrongful Death ..... *Jason H. Floyd* 362
Security Interests in Personal Property ..... *Harry L. Case, Jr.* 175

STATE BAR PROCEEDINGS

Addresses

SENIOR BAR
John T. Armstrong, *Report of the President* .....

Robert Braucher, *Uniform Commercial Code* .....
Stokes V. Robertson, Jr., *Recent Changes in Mississippi Supreme Court Rules and Procedure* .....
J. P. Coleman, *Appellate Procedures in the United States Court of Appeal* .....
Earl Morris, *The Crisis and Challenge of Crime* .....
John W. Wade, *Some Recent Changes in the Law of Torts* .....

JUNIOR BAR
Gene Wilkins, *Your Role in the ABA* .....
Ramsey Clark, *Address of Ramsey Clark* .....

Committee Reports—Senior Bar

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Workmen's Compensation Committee .....

DIRECTORY OF MISSISSIPPI STATE BAR .....

GENERAL INDEX TO VOLUME XXXVIII .....

TABLE OF CASES

Adams v. Graham Stove & Heating Co. 133
Addis v. Grange 160
Adler v. Board of Educ. 323, 325, 326
Agee v. State 80

Aguilar v. Texas 13
Alabama Baptist Hosp. Bd. v. Carter 166
Albritton v. City of Winona 480
Aldrich's Estate, *In re* 160
Allred v. State 10
Alsup v. Banks 102
Amado v. Amado 161
American Pac. Whaling Co. v. Kristensen 315
American Steel Foundries v. Industrial Comm'n 39
Anderson v. State 78
Anding v. Levy 135, 138, 140, 146, 149
Andrews v. Anderson 88
Andrus v. Home Ins. Co. 143
Anglin v. Nosif 348
Applewhite v. Nelms 103
Aptheker v. Secretary of State 378, 502
Ashcraft v. Tennessee 62
Archer v. Hudson 158
Armstrong v. State 12
Armstrong Tire & Rubber Co. v. Payton 33, 34
Ashley v. Young 103
Astra Pictures, Inc. v. Shapiro 360
Atkeson v. Sovereign Camp, W.O.W. 18
Atlanta Corp. v. Olesen 307, 315
Avance v. Thompson 297
Baggett v. Bullitt 325, 326, 496, 505
Bailey v. Interstate Airmotive 151, 152
Bainbrigge v. Browne 159
Baker v. Baker 44
Baker v. Bolton 362
Ballard v. Mississippi Cotton Oil Co. 479
Ballard v. United States 510
Baltimore & Ohio R.R. Co. v. Baugh 247
Banks v. Banks 17
Barfield v. South Highland Infirmary 317
Barlow v. Serio 119
Barrington v. Barrington 24
Barrows v. Jackson 506
Barton v. Parker 147
Bartlett v. Raidart 152
Bass v. State 15
Baumon v. Royalty Indem. Co. 333
Beall v. Drane 208
Beall v. Weston 140
Beanland v. Bradley 159
Beattie v. Bower 160
Bennett v. State 11
Bennett v. United States 291
Berea College v. Kentucky 244
Betts v. Brady 254, 255, 256
Bidwell v. Piercy 160
Biederzycki v. Farrel Foundry & Mach. Co. 43
Bildage v. Southee 159
Black v. State 5, 15
Bloodworth v. Stevens 101
Bluebird Baking Co. v. McCarthy.. 313
Board of Levee Comm'rs v. Dillard 47
Bohnen v. Harrison 283
Bond v. City of Pittsburg 169
Bond v. Floyd 500
Bostock v. Brown 2
Bourdeaux v. State 79
Bourn v. Bourn 162
Bowers v. Newman 208
Bowles v. Bourdon 304, 305
Bowles v. Dean 113
Bradford v. Davis 140
Bradley v. Bradley 20
Brannon v. Varnado 91
Breard v. Alexandria 500
Breckenridge v. Time, Inc, ... 25, 26
Briggs v. Chicago, Great W. Ry. .. 312
Brotherhood of Ry. Trainmen v. Virginia State Bar 425
Brown v. Allen 510
Brown v. Board of Educ. 179, 245, 246, 248, 250, 252, 472
Brown v. Brothers 88
Brown v. Canadian Indus. Alcohol Co. 161
Brown v. Indemnity Ins. Co. 24
Brown v. Mississippi 62
Brown v. State 76
Brugh v. White 20
Bryan Bros. Packing Co. v. Grubbs 48
Burdick v. Wittick 160

Burnet v. Northern Trust Co. 284
Burr v. Commissioner 283
Burrill v. Shaughnessy 288
Burt v. State 302
Burton v. Burton 160
Burton v. Wilmington Parking Authority 479
Bush v. Person 88
Butler v. Bazemore 91
Byers v. Nashville, C. & St. L. Ry. 311
Bynum v. Schira 496
Cahn v. Wright 107
Caldwell v. Missouri State Life ... 152
California v. Stewart 57
Campbell v. Fayette County 139
Cantwell v. Connecticut 322
Card v. Lloyd Mfg. Co. 42
Carnley v. Cochran 80, 256
Carozza v. Federal Fin. & Credit Co. 355, 360
Carpenter v. Hazelbrigg 151
Carter v. Berry 21
Carter v. Curlew Creamery Co. ... 45
Caskin v. Murphy 6
Century Brick Corp. v. Carroll 25
Chambers v. Florida 62
Chaney v. Whitney 100
Character v. State 78
Chavez v. Chavez 27
Cheairs v. Coats 101
Cherry Point Fish Co. v. Nelson 298
Chewning v. Cunningham 256
Chicago Reed and Furn. Co., *In re.* 356
City of Clarksdale v. Stuart 47
City of Laurel v. Upton 48, 308, 310, 312, 317, 319
City of St. Louis v. Parker-Washington Co. 143
Clark v. Board of Directors 215
Clark v. Commonwealth 308
Clark v. Cox 149
Clark v. State 76
Clark Equip. Co. v. Paultry Packers, Inc. 3
Clarke v. State 80
Clansell v. Riley 27
Clukey v. Seattle Elec. Co. ..313, 316
Coastal Coaches, Inc. v. Ball 306
Coca-Cola Bottling Works v. Lyons 344
Cohen v. Mississippi State Univ. .. 495
Cohn v. United States ..336, 337, 338, 339, 340, 341
Colonial-American Nat'l Bank v. United States 290
Commercial Cas. Ins. Co. v. Tri-State Transit Co. 328
Commissioner v. Dwight's Estate 289, 290
Commissioner v. Arents 285
Commissioner v. Estate of Arents .. 291
Commissioner v. Estate of Church . 284
Commissioner v. Estate of Holmes . 286
Commissioner v. Estate of McDermott 294
Commissioner v. Evans 337
Commissioner v. Hammond Organ W. Export Corp. 393
Commissioner v. Irving Trust Co. 288
Commissioner v. Maresi 297
Commonwealth v. Russell 10
Coney v. Coney 45
Conn v. State 80
Connally v. General Constr. Co. ... 502
Conway v. Glenn 283
Cook v. Farley 89
Cooke v. Adams 19, 150, 154, 155, 156
Cooper v. Aaron 248
Copping's Estate, *In re.* 121
Corradini v. V. & M. Holding Corp. 358
Coston v. State 7
Cowans v. North Carolina Baptist Hosp. 166
Crandall v. State 207
Cramp v. Board of Pub. Instruction 324, 496
Cray v. Mansfield 159
Criss v. State 76
Cristini v. Griffin Hosp. 170
Croft v. Alder 163
Crooker v. Hollingsworth 86, 88
Crum v. Anchor Cas. Co. 332
Cuevas v. Sutter Well Works 33
Cummings v. Missouri 322, 500
Curtis, *Ex parte* 322
Curtis v. Leavitt 361

Dahmes v. Industrial Credit Co. ... 359
Dallas v. Fosdick 208
Darling v. Charleston Community Memorial Hosp. 172
Dartmouth College v. Woodward.. 225
Davis v. Elzey 48
Davis v. Fitchett 208
Davis v. Foy 153
Davis v. North Carolina 64
Davis v. Schwartz 148
Decker v. Canzoneri 136
DeJonge v. Oregon 503
Dennis v. Prisock 48
Dennis v. United States 494
Detroit Edison Co. v. Commissioner 336
Dickey v. Clark 160
Dickson v. Miller 153
Dismukes v. Board of Supervisors .. 261
Dixie Greyhound Lines, Inc. v. Matthews 48
Docks Trustees v. Gibbs 167
Dodd v. Kelley 5
Dombrowski v. Pfister 505
Dothan v. Hardy 299, 300
Doty v. Heth 102, 103
Douglas v. City of Jeannette 504
Dow v. Carnegie-Illinois Steel Corp. 509
Dowell v. School Bd. 179, 245
Downing v. Campbell 112
Draper v. Cambridge 207
Dry Dock Bank v. American Life Ins. & Trust Co. 354
Duhig v. Peavy-Moore Lumber Co. 90, 91, 94, 95
Dunbar v. Meyer, Deutch & Co. .. 153
Duncan v. Findlater 164
Dundee Mortgage Co. v. Hughes .. 149
Dunlap v. Dunlap 19
Dunn v. Dunn 17
Dunn v. Windsor Bd. of Educ. .. 207
E. I. DuPont de Nemours & Co. v. Ladner 344
Eastman, Gardiner & Co. v. Permenter 173
Edwards v. Altmayer 104
Edwards v. Hillier 88
Edwards v. Holman 64
Edwards v. Jefcoat 163
Edwards v. Union Buffalo Mills Co. 304
Eggart v. State 309, 317
Elardo v. State 12
Elfbrandt v. Russell 321, 322, 323, 325, 326, 327, 328, 489
Ellis v. Dixon 494
Ellison v. Landry 107, 110, 112
Engel v. Vitale 491
English v. Smith 2
Enman v. Trustees of Boston Univ. 170
Erie R.R. Co. v. Tompkins 247
Escobedo v. Illinois 9, 57, 63, 64
Escola v. Coca-Cola Bottling Co. .. 29
Estate of Carolyn Peck Boardman .. 288
Estate of Milton J. Budlong 288
Estate of D. I. Cooper 293
Estate of McNichol v. Commissioner 287, 290, 295
Estate of Uhl, *In re* 288
Estate of Robert W. Wier 292
Estate of Pierre Jay Wurts 293
Estate of Cyrus C. Yawkey .. 288, 292
Etzkorn v. City of Oelwein 303
Eubanks v. Louisiana 508
Evans v. Rives 255, 256, 258, 259
Ewell v. Tidwell 208
Fairchild v. General Motors Acceptance Corp. 1
Falkner v. State 12
Fant v. Fant 45
Federal Compress & Warehouse Co. v. Clark 33
Fenno v. Primrose 135
Feoffees of Heriots Hosp. v. Ross 164
Fewell v. American Sur. Co. 135, 144
Fidelity & Deposit Co. v. Woltz .. 137
Fidelity & Cas. Co. v. Meyer 306
Fidelity-Philadelphia Trust Co. v. Smith 283
First Nat'l Bank v. American Near East & Black Sea Line, Inc. .. 358
First Nat'l Bank v. Schaake 32
Fisher v. State 70
Flagiello v. Pennsylvania Hosp. ... 166
Fonda v. Northwestern Pub. Serv. Co. 315
Fondren v. State 7
Ford v. Town of Whitefield 140
Ford Motor Co. v. Myers 342
Foreman v. Mayor of Canterberry .. 165
Forster v. Sauber 283

Foster v. Roman Catholic Diocese . 167
Franklin Phosphate Co. v. Int. Harvester 137
Fribourg Nav. Co. 335
Fribourg Nav. Co. v. Commissioner 334, 339, 341
Frothingham v. Mellon 506
Gaggers v. Gibson 160
Gaines v. Standard Acc. Ins. Co. .. 298
Galbraith v. State 12
Gallagher, *Ex parte* 207
Gallagher v. Market St. Ry. .. 298, 304
Galtney v. Wood 150, 154
Gantt v. Brown 148
Garfield Memorial Hosp. v. Marshall 310
Garrett v. Lion Oil & Refining Co. 92
Garner v. Board of Pub. Works .. 323
Garner v. Garner 88
Garraway v. Bryant 91
Gateshead Union v. Durham County Council 207
Gault, *In re* 259
Gearing v. State 6
George v. United States 511
Georgia Conference of Am. Ass'n of Univ. Professors v. Board of Regents 491
Gibson v. Jeyes 159
Gideon v. Wainwright 63, 256, 257, 258, 259
Giles v. Chicago, Great W. Ry. ... 297
Gilmore-Puckett Lumber Co. v. Bank of Tupelo 135, 143, 144, 145, 146, 147
Gingrich v. Bradley 161
Girard's Estate, *In re* 185
Glasser v. United States 509, 510
Glavin v. Rhode Island Hosp. 165, 168
Glenn v. Macon 163
Glennmore Distilleries Co. v. Fiorella 104
Gluckstein v. Lipsett 310
Goddard v. Carlisle 159
Goldberg v. Zellner 151
Goldthwaite v. Sheraton Restaurant 307
Gordon v. State 76
Gordon Inv. Co. v. Jones 105
Goss v. Board of Educ. 245
Goss v. State 12
Graham v. Bottenfield's, Inc. 344
Grand Gulf Bank v. Barnes 153
Grapico Bottling Co. v. Ennis ... 344
Greenberg, *In re* 358
Greenman v. Yuba Power Products, Inc. 345
Griggs v. Griggs 28
Grove v. School Inspectors 208
Grubbs, *Ex parte* 11
Haliburton v. General Hosp. Soc'y 166
Hall v. Clements 161
Hall v. Mississippi 510
Ham v. Ham 161
Hancock County v. Imperial Naval Stores Co. 100
Hansen v. Hayes 153
Harkin v. Assurance Co. of Am. .. 332
Hardware Mut. Cas. Co. v. Hilderbrant 332
Hardy v. Richards 32
Harris v. Pound 298, 318
Harrison v. Byers 88
Harrison v. Rogers 160
Harrist v. Spencer-Harris Tool Co. 347
Harvey v. Mississippi 258, 259
Harvey v. Mount 159
Hassett v. Welch 284
Hasty v. Pierpont 143
Hatch v. Hatch 158
Hathorn v. State 79
Haynes v. Presbyterian Hosp. Ass'n 165
Haynes v. Washington 62, 65, 80
Hays' Estate v. Commissioner 290
Hayssen Co. So. v. Donelson & Poston, Inc. 345
Hearns v. Waterbury Hosp. 167
Hebert v. Louisiana 493
Heckers v. Fowler 136
Helving v. Clifford 293
Hendricks v. State 12
Henningsen v. Bloomfield Motors, Inc. 344
Henry v. United States 14
Hepburn v. Dundas 208
Hernandez v. Texas 509
Hertz Corp. v. United States 337
Hickey v. Anderson 162
Hill v. Camden 207
Hill v. Kesselring 5
Hinds Motor Co. v. Hederman 133
Hinton v. Hinton 17

Hodges v. Hodges 207
Hogue v. State 80
Holland v. Gross 358
Holliday v. St. Leonard 165
Holmes v. Elmer 108
Holmes v. State 70, 79
Hooks v. Burns 104
Houghten v. Restland Memorial Park 360
Howard v. Wactor 27, 28
Huard, *In re* 10
Hubbard v. Commissioner 285
Huebner's Will, *In re* 151
Huguenin v. Baseley 158
Hungerford Bank v. Dodge 359
Hurd v. Commissioner 288
Hutchinson v. State 314, 315
Hutchison v. St. Catharines School Trustees 207
Hylton v. Hylton 158
Hytken v. Bianca 102
Illinois Cent. R.R. v. Stith's Adm'x 303
Imbrie v. Marsh 322
India Paint & Lacquer Co. v. United Steel Prods. Corp. 345
Industrial Trust Co. v. Commissioner 292, 293
Ingalls Shipbuilding Corp. v. Harris 38
Inhabitants of Haverhill v. Gale 207, 217
International Longshoremen's & Ware. Union v. Ackerman 509
International Order of Twelve of Knights & Daughters of Tabor v. Barnes 173
Iowa Implement Co. v. Aetna Explosives Co. 105
Isenhart v. General Cas. Co. of Am. 332
Jackson Coca-Cola Bottling Co. v. Chapman 343
James v. Yazoo & Miss. V. R.R. ... 173
Jarrard Motors, Inc. v. Jackson Auto & Supply Co. 25
Jensen v. Maine Eye & Ear Infirmary 166
Jenkins v. Moyse 358
Johnson v. Richmond & D.R.R. 304
Johnson v. New Jersey 57, 75
Johnson v. State 72
Johnson v. Zerbst 74, 254, 255
Jones v. Jones 137
Jordan v. Hutcheson 504
Journal Publishing Co. v. General Cas. Co. 333
Kaiser v. Earhart 88
Kagey v. West Coast Theaters Corp. 143
Kalmia Realty & Ins. Co. v. Hardy 101
Kashmir Refining Co., *In re* 360
Kay v. Hillside Mines, Inc. 38
Keith v. McGregor 102
Keith v. Silvia 139, 140
Kellogg v. Church Charity Foundation 166
Kelly v. United States Fid. & Guar. Co. 332, 333
Kem v. Pullen 311
Kennedy v. Porter 358
Kentucky v. Powers 509
Kersten v. Great No. Ry. 313
Keyishian v. Board of Regents 323, 489, 503, 505
Kimball v. Carter 301
King v. United States 511
Kings Mercantile Co. v. Cooper .. 359
Klein v. Humble Oil & Ref. Co. 93, 94
Knepper v. Rothbaum 121
Koechl v. United States 301
Koehler v. Haller 159
Korn v. Johnson 121
Kroger Grocery Co. v. Lewelling .. 346
Kyzer v. Middleton 120
Labat v. Bennett 508
Lanning v. Erie R.R. 42
Lamont v. Postmaster General ... 506
Landro v. Great No. Ry. 304
Lane v. Baker 183
Latses v. Nick Floor, Inc. 102, 104
Lavecchia v. Tillman 100
Laurence v. Northwest Cas. Co. 332, 333
Lawrence v. Nutter 308
Learock v. Putnam 208
Lee v. Memphis Publishing Co. .. 25
Lee v. State 80
Lehman v. Commissioner 290
Lester v. State Compensation Comm'r 24
Levy v. Superior Court 169

Lewis v. Johnson 316
Lewis v. State 7, 76
Linn v. Radio Center Delicatessen, Inc. 345
Lipinsky v. Revell 152
Lipscomb v. Postell 40, 41
Lipson v. Lipson 43, 157
Lisko v. Hicks 44
Lisenba v. California 65
Lobdell v. Mason 134
Loeb v. State 12
Loftin v. United States Fire Ins. Co. 329, 330, 332, 333
Long, *In re* 14
Long v. Tomlin 299
Lord v. Reed 160
Lucas v. Lucas 20
Lucas v. Thompson 91
Lynes v. Northern Pac. Ry. 298
MacPherson v. Buick Motor Co. 341, 342
McAfee v. Cargill, Inc. 344
McAuliffe v. Mayor of New Bedford 321
McCandless v. Day 108, 109
McCollum v. Board of Educ. 491
McCormick v. Burnet 284
McCroy v. Toney 101
McDaniel Bros. Constr. Co. v. Jordy 4
McDonald v. Moore 259
McDonald v. Sanders 92
McDowell v. State 79
McGettrick v. Fidelity & Cas. Co. 329, 332
McKenzie v. Hixon 5
McKinnon v. Lane 92
McLaurin v. City of Greenville 16
McLaurin v. Oklahoma State Regents 496
McLaurin v. Royalties 84, 86
McLendon v. State 5
McLemore v. Riley's Hosp. 150, 154, 155
McMahon v. Christmann 96
McMurtry v. Commissioner 297
McNabb v. United States 511
McNeese v. Board of Educ. 504
Maasdam v. Maasdam's Estate 151
Macabe Co. 339, 340, 341
Mackreth v. Fox 158
Magma Copper Co. v. Naglich 39
Mai v. State 12
Maitland v. Backhouse 159
Manhat v. United States 299
Manning v. Hammond 45
Mapp v. Ohio 12
Market Bank v. Smith 359
Marler v. State 135, 143, 145
Marshall's U.S. Auto Supply v. Maryland Cas. Co. 331, 332
Mason v. City of Biloxi 433, 479
Massey Motors v. United States 337, 340
Massiah v. United States 65
Mathilde B. Hooper 283
Mavar Shrimp & Oyster Co. v. United States Fid. & Guar. Co. 22, 23, 329, 330, 331, 332, 334
Maxon v. Security Ins. Co. 334
May v. Heiner 283, 284, 294
Merchants & Mfrs. Sec. Co. v. Johnson 360
Merchant Nat'l Bank v. Curtis 21
Mellish v. Mellish 159
Meyer v. Nebraska 491
Mid-Continent Fin. Corp. v. Grant. 3
Miller, *Ex parte* 207
Miller v. Fowler 302
Miller v. Reid 360
Minersville School Dist. v. Gobitis 503
Miranda v. Arizona 10, 57, 60, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 257, 258, 270
Mississippi Federated Co-ops v. Roberts 34
Mississippi Power & Light Co. v. Whitescarver 299, 300, 304
Mississippi Sawmill Co. v. Douglas 88
Mississippi State Conference of Am. Ass'n of Univ. Professors v. Holmes 328, 489
Mississippi State Highway Comm'n v. Kogexs 47
Mississippi State Highway Comm'n v. Ladner 47
Mississippi State Highway Comm'n v. Magee 46
Mississippi State Highway Comm'n v. Rogers 47

Mississippi Tank Co. v. Walker 33, 35
Missouri Bag. Co. v. Chemical Delinting Co. 346
Mize v. Paschal 3
Mladinich v. Kohn 24, 25
Moak v. Moak 121
Mohonk Realty Corp. v. Wise Shoe Stores, Inc. 103
Monroe v. Holleman 31
Monroe v. Pape 504
Morsman v. Burnet 284
Mooney v. McMahon 152
Moore v. State 303
Motorlease Corp. v. United States 339, 340, 341
Moulton v. Smith 153
Munshower v. State 300
Myers v. American Oil Co. 86
Myrick v. State 77
NAACP v. Button 425
National Bank of Commerce v. Henslee 289
Near v. Minnesota 493
Necaise v. Chrysler Corp. 347
Neuenfeldt v. State 9
Newcomb v. Wood 139
Newell v. State 76
Newton v. Consolidated Gas Co. .. 147
Nichols v. Gaddis & McLaurin, Inc. 34
Nix v. Hedden 301
Nixon v. Cowan 93
Norwich Union Fire Ins. Co. v. Standard Drug Co. 6
Noto v. United States 324
O'Bean v. State 12, 13
Oberlin v. Oberlin 17
Ogle v. Durley 100
Oldin v. Samborn 158
Oliverius v. Wicks 315
Opinion of Justices 207, 217
Orvis v. Higgins 283, 290
Osborn v. Cary 316
Osborn v. Horine 150
Osmond v. Fitzroy 157
Owen v. Monroe County Alliance .. 107
Pacific Indem. Co. v. Run-A-Ford Co. 332
Paden v. Gibbs 108
Page v. State 78
Palmer v. Clarksdale Hosp. 40
Parish v. Machen 27
Pass v. Pass 289
Paulin v. Fireman's Fund Ins. Co. 332
Paxton v. Kennedy 121, 129
Payton v. Armstrong Tire & Rubber Co. 33
Peck v. United States 287
Pendleburg v. Western Cas. & Sur. Co. 332
Pennell v. Deffell 159
Pennsylvania v. Nelson 502
People v. Dorado 64
People v. Dotson 14, 15
People v. Easton 208
People v. Furnish 9
People v. Hall 304
People v. Hartgraves 64
People v. Hooper 316
People v. Stewart 64, 65
People v. Vignera 64, 65
Perkins v. State 13
Perkins v. White 86, 88
Peterson, *Ex parte* 142
Phelps v. Shropshire 21
Phillips v. Roux Lab, Inc. 303
Phillips v. State 64
Phillips v. Warren County Bd. of Educ. 149
Pierson v. Minnehala County 143
Pinney v. Cahill 309
Plummer v. Davis 18
Plummer v. State 80
Powell v. Kansas Yellow Cab Co. 151,152
Powell v. Alabama 254, 257
Powers v. Manning 2
Prentiss Truck & Tractor Co. v. Spencer 38
Price v. Moss 107
Proctor v. Ingalls Shipbuilding Corp. 37
Prudence Life Ins. Co. v. Wooley .. 23
Rabe v. Fyler 111
Railroad Comm'n v. Pullman Co. .. 505
Raleigh Realty Corp. v. Jacobs 133
Randall v. Gunter 2
Randolph D. Rouse 338
Rawlins v. Georgia 511
Reilly v. Pinkus 308
Reynolds v. Rice 150

Rhodes v. Bate 159
Richardson v. Cortner 358
Ringel v. Superior Court 24
Robben v. Obering 94
Roberts v. Benjamin 147, 148
Roberts v. City of Boston 202
Roberts & Co. v. Sims 121
Robley H. Evans 337
Robinson v. State 73, 77, 78
Rodgers v. Kline 301
Roemig v. United States 509, 510
Rogers v. Jones 11
Rogers v. Richmond 62, 63
Rollins v. Rosenbaum 120
Round v. Commissioner 294
Routh v. List & Weatherly Constr. Co. 39
Ruth v. Fenchel 311
S & A Co. v. United States 338, 339, 340
Salgo v. Stanford Univ. Bd. of Trustees 303
Salmen Brick & Lumber Co. v. Williams 91
Schenck v. United States 494
School Dist. of Abington Township v. Schempp 491
School Dist. v. Bragdon 207, 217
Scott v. Astoria R.R. 306
Scruggs v. McGehee 100
Scullin v. Vinning 314
Sharar's Estate, *In re* 31
Shelton v. Tucker 324, 328, 489, 496
Sherbert v. Verner 499
Shield v. Donald 90
Shinall v. State 16
Shine v. Fitzgerald 147
Shipman v. Straitsville Cent. Mining Co. 137, 146
Shireman v. Wildberger 6
Shub v. Simpson 322
Shuler v. L. Gruenwald Co. 120
Silva v. Providence Hosp. 151
Silverman v. McGinnes 283
Sisson v. Cleveland & T. R.R. 300, 301
Skehan v. Davidson Co. . 150, 154, 155
Skinner v. United States 287, 294
Slaughter House Cases 206, 208, 209, 210, 211, 221, 223, 508
Smith v. Kay 158
Smith v. Kiel 41
Smith v. State 7
Southeastern Constr. Co. v. Dodson 33
Southern Farm Bureau Cas. Ins. Co. v. Logan 331
Southwestern Transp. Co. v. Poye 151
Spano v. New York 62
Speiser v. Randall . 324, 325, 326, 495
Spence v. Three Rivers Builders & Masonry Supply, Inc. 344
Spies v. Illinois 254
Spooner v. Spooner 149
Stamps v. Gilman & Co. 118
State v. Adams Express Co. 148
State v. Bomar 14
State v. Carter 64
State v. Duffy 208
State v. Duncan 14
State v. Hall 8, 58, 510
State v. Long 64
State v. MacRorie 309, 316
State *ex rel.* Wright v. McQuillin 136
State v. McCann .. 198, 199, 200, 204, 211, 215, 219, 237, 244
State v. Miranda 64
State v. Sauls 317
State v. Wood 58
State Stove Mfg. Co. v. Hodges 28, 30, 342, 343, 345, 346, 347
State St. Trust Co. v. United States 283, 293, 295
Stewart & Sandwich East School Trustees, *In re* 207
Staub v. City of Baxley 498
Stephenson v. United States 287
Stewart v. Bramhall 359
Steck v. Colorado Fuel & Iron Co. 135, 136
Stollenwerch v. Eure .. 108, 109, 111
Stottlemire v. Cawood 315
Stoudenmeier v. Williamson 307, 312, 317
Stout v. Grain Dealers Mut. Ins. Co. 332
Strauder v. West Virginia 510
Strong v. Aetna Cas. & Sur. Co. .. 41
Stuckey v. Sallis 45

Suvada v. White Motor Co. 29
Swain v. Alabama 16
Swift & Co. v. Haukins 347
Sykes v. State 12
Tanner v. State 76
Tannis v. Doe 208
Tate v. Williamson 157
Taylor v. Hart 131
Taylor v. Odell 103
Tepper Bros. v. Buttross 133
Texas Employers' Ins. Assoc. v. Nixon 310
Texas Pac. Coal & Oil Co. v. Fox .. 93
Thiel v. Southern Pac. Co. 510
Thomas v. American Universal Ins. Co. 332
Thomas v. James 19
Thompson v. State 7, 9, 76, 81
Thornton v. Gardner 120
Toliver v. State 7
Tolman v. Underhill 323
Toole v. Lawrence 27
Torrey v. Cook 108
Travelers Ins. Co. v. Newsom 332
Tucker, *Ex parte* 111
Tucker v. Donald 298, 300, 301 304, 305, 318
Tucker v. Gurley 297, 318
Turner v. Stewart 137
Union Planters Nat'l Bank v. United States ..286, 287, 288, 294
United Pub. Workers v. Mitchell .. 322
United States v. Associated Press .. 488
United States v. Brown 501
United States v. Childress 10
United States v. Dillon 261, 262
United States v. Foster 502
United States v. Greenberg 511
United States v. Henderson 511
United States v. Lovett 500
United States v. Ware 511
United States *ex rel.* Poret v. Sigler 508
United States *ex rel.* Russo v. New Jersey 9, 64
United States Fid. & Guar. Co. v. Cook 331
United States Fid. & Guar Co. v. Hood 48
United States Fid. & Guar. Co. v. Yazoo Cooperage Co. 328, 329, 333
United States v. Ludley 335
United States v. O'Malley 294
United States v. Paddock 304
United States v. Powell 292
United States v. Wurzback 322
Uphaus v. Wyman 324
Uveges v. Pennsylvania 256
Van Camp v. Board of Edu. . 183, 207
Van Rensselaer v. Kearney 85
Vandermark v. Ford Motor Co. 346
Van Diver v. Buckley 155
Vansant v. Dodds 111
Victor Am. Fuel Co. v. Tomljanovich 308
Vignera v. New York 57
Wade v. Mayo 256
Waldauex v. Parks 45
Waley v. Johnston 11
Walker v. Savell 25
Wall v. Crawford 153
Walters v. Merchants & Mfrs. Bank 88
Wandel v. Wandel 44
Warren v. Trustees of African Baptist Church 111
Washington v. Charlotteville School Trustees 207
Washington v. Soria 100
Weiner v. Fulton County 261
West v. Louisiana 254
Westover v. United States 57, 64, 65
Western Assur. Co. v. Mohlmann 305
Weston Lumber Co. v. Lacey Lumber Co. 40
West Virginia Bd. of Ed. v. Barnette 491, 493, 504
Wheeler v. Burrow 207, 217
Whelcher v. Solomon 27
White v. Crook 8, 510
White v. Miazza-Woods Constr. Co. 118
White v. State 69, 79
Whitney v. California 495
Wieman v. Updegraff ... 323, 324, 507
Wiener v. Mutual Life Ins. Co. 316
Wigley v. Wigley 100
Williams v. Noble 122
Williams v. Shivers 109, 111, 112
Wilson v. J. E. French Co. 359

Wilson v. Maryland Cas. Co. ...23, 332, 334
Wilson v. Wood 112
Winkle v. Scott 360
Winnard v. Robbins 208
Woelfle v. Connecticut Mut. Life Ins. Co. 309
Wolcott v. Wolcott 32
Wolk v. City of New York 24
Womack v. Employers Mut. Liab. Ins. Co. 330, 333
Woodin v. Phoenix 137
Woods v. Wright 505
Woodson v. Hare 152
Woollcott v. Shubert 358
Wright v. Des Moines Ry. 299
Wurst v. American Car & Foundry Co. 311
Wyoming Builders v. United States 337, 339, 341
Yarn v. Ford Dodge, D.M. & S.R.R. 313
Yates v. United States 503
Yazoo & Miss. V. R.R. v. Kirk 6
Yeager v. Ainsworth 359
Young v. Warrell 137
Zwerg v. Zwerg 18

STATUTORY AND QUASI-STATUTORY MATERIAL

State

Mississippi Constitution
Article 3, sec. 14 .....479, 501
Article 3, sec. 26 ..... 57, 255
Article 6, sec. 165 5
Article 6, sec. 166 486
Article 7, sec. 183 434
Article 14, sec. 258 480
Mississippi Code Annotated (1956)
Section 36 .....356, 357, 358, 359 360, 361
Section 264 .....100, 134
Section 279 137
Section 465.5 19
Section 668 32
Section 738 32
Section 841 134
Section 843 88
Section 844 89
Section 845 86
Section 846 86
Section 847 89
Section 858 134
Section 868 .....101, 134
Section 870 4
Section 897 .....99, 122, 132
Section 898 131
Section 899 118
Section 900 118
Section 905 101
Section 908 ... 99, 103, 106, 118, 121
Section 909 ..... 99, 106, 122
Section 910 118
Section 911 119
Section 913 119
Section 916 119
Section 917 119
Section 919 119
Section 920 ..... 118, 119
Section 921 ..... 119, 132
Section 922 118
Section 923 119
Section 927 ..... 119, 120
Section 936 120
Section 940 120
Section 942 120
Section 946 ..... 107, 113
Section 947 ..... 107, 113, 114, 133
Section 948 ..... 107, 111, 112, 114
Section 949 ..... 107, 112
Section 950 ..... 107, 115
Section 951 107
Section 952 107
Section 953 ..... 107, 115
Section 954 107
Section 955 ..... 107, 115
Section 956 107
Section 957 107
Section 958 ..... 107, 115
Section 959 ..... 115, 133
Section 1033 ..... 107, 110
Section 1034 107
Section 1035 ..... 107, 110
Section 1036 ..... 107, 108, 110
Section 1037 ..... 107, 108, 110
Section 1038 ..... 107, 108, 110
Section 1039 ..... 107, 108

Section 1040 ..... 107, 108
Section 1041 ..... 107, 108, 110, 111
Section 1042 ..... 107, 110
Section 1043 ..... 107, 110
Section 1044 ..... 107, 110
Section 1045 107
Section 1046 107
Section 1047 ..... 107, 110, 111
Section 1048 107
Section 1049 107
Section 1050 107
Section 1051 ..... 107, 108
Section 1052 ..... 107, 108
Section 1053 ..... 107, 108
Section 1054 ..... 107, 108
Section 1055 ..... 107, 108, 109
Section 1056 107
Section 1057 107
Section 1058 107
Section 1150 11
Section 1169 109
Section 1197 ..... 109, 110
Section 1335 504
Section 1365 138
Section 1366 (Supp. 1964) 138
Section 1437 (Supp. 1964) 24, 26
Section 1437(a) (Supp. 1964) 26
Section 1454 346
Section 1540 ..... 135, 136, 138
Section 1541 . 135, 136, 142, 143, 144
Section 1542 ..... 135, 146, 149
Section 1543 135
Section 1616 109
Section 1647 4
Section 1651 5
Section 1690 43
Section 1697 48
Section 1762 ..... 8, 510
Section 2299 260
Section 2613 258
Section 2505 ..... 261, 262, 269, 270, 274, 276, 280
Section 2613 58
Section 2735.5 (Supp. 1964) 17
Section 3917 260
Section 4064-01 489
Section 4064-05 ..... 325, 326, 489
Section 4064-10(c) 502
Section 6216-02 (Supp. 1964) 490
Section 6216-07 (Supp. 1964) 490
Section 6216-11 (Supp. 1964) 490
Section 6232-72 (Supp. 1964) 490
Section 6246-03 (Supp. 1966) 485
Section 6282-41 ..... 328, 489
Section 6282-42 ..... 328, 489
Section 6282-43 328
Section 6282-44 328
Section 6282-45 328
Section 6798 492
Section 6998-04 (Supp. 1964) .. 33, 39
Section 6998-05 (1952) 39
Section 7185-06 14
Section 7185-08 14
Section 7357 289
Section 8936 (Supp. 1966) .. 434, 435, 436, 437, 444, 482
Section 8936-02(2) (Supp. 1966) . 438
Section 8936-05 (Supp 1966) 434, 447, 480
Section 8936-05(a) (Supp. 1966) . 433
Section 8936-08 456
Section 8936-12 444
Section 8939-14 (Supp. 1966) 458
Section 8939-14(a) (Supp. 1966) . 458
Section 8939-14(b) (Supp. 1966) . 458
Section 8939-14(c) (Supp. 1966) . 458
Section 8936-21 ..... 456, 479, 480
Section 8939-01 (Supp. 1966) 440
Section 8939-11 (Supp. 1966) 458
Section 8939-12 (Supp. 1966) 440
Section 8939-13 440
Section 8939-14 440
Section 8939-15 440
Section 8940-01 (Supp. 1966) 449
Section 8940-03 (Supp. 1966) 449
Section 8940-04 (Supp. 1966) 449
Section 8940-05 (Supp. 1966) 449
Section 8940-06 (Supp. 1966) 450
Section 8940-07 (Supp. 1966) 450
Section 8940-08 (Supp. 1966) 450
Section 8940-09 (Supp. 1966) 450
Section 8940-21 (Supp. 1966) 450, 453
Section 9948 (1952) 28
Section 10112 58

Mississippi Laws

Miss. Laws, 1966, H.B. 2, advance sheet No. 8 4
Miss. Laws, 1964, ch. 401, sec. 5 .. 458
Miss. Laws, 1960, ch. 310 at 455 ..... 492, 493
Miss. Laws, 1952, ch. 171, sec. 1 .. 435

Miss. Laws, 1952, ch. 171, sec. 1(a) 440
Miss. Laws, 1950, ch. 190, sec. 1(a) 440
Miss. Laws, 1944, ch. 241, sec. 1 ..... 434, 435, 437
Miss. Laws, 1944, ch. 241, sec. 1(a) 440
Miss. Laws, 1944, ch. 241, sec. 1(b) 437
Miss. Laws, 1944, ch. 241, sec. 1(c) 435, 437
Miss. Laws, 1944, ch. 241, sec. 3 .. 440
Miss. Laws, 1944, ch. 241, sec. 4 .. 440
Miss. Laws, 1944, ch. 241, sec. 6 .. 434
Miss. Laws, 1940, ch. 147, sec. 1 .. 434
Miss. Laws, 1940, ch. 147, sec. 1(a) 437, 439
Miss. Laws, 1940, ch. 147, sec. 1(b) 437
Miss. Laws, 1940, ch. 147, sec. 1(c) 435
Miss. Laws, 1940, ch. 147, sec. 2 .. 439
Miss. Laws, 1940, ch. 147, sec. 2(a) 439
Miss. Laws, 1940, ch. 147, sec. 6 .. 439
Miss. Laws, 1940, ch. 147, sec. 7 .. 439
Miss. Laws, 1940, ch. 147, sec. 8 .. 439
Miss. Laws, 1st Extra Sess. 1936, ch. 1 ..... 433, 434, 481
Miss. Laws, 1st Extra Sess. 1936, ch. 1, sec. 5 439
Miss. Laws, 1st Extra Sess. 1936, ch. 1, sec. 6 ..... 435, 439
Miss. Laws, 1st Extra Sess. 1936, ch. 1, sec. 8 439
Miss. Laws, 1st Extra Sess. 1936, ch. 1, sec. 9 439
Miss. Laws, 1st Extra Sess. 1936, ch. 1, sec. 13 440
Miss. Laws, 1st Extra Sess. 1936, ch. 2, sec. 1 439
Miss. Laws, 1822, ch. 56, art. 5 .. 98
Miss. Laws, 1839, ch. 46 at 72 153
Rules and Regulations of the Mississippi Workmen's Compensation Commission ... 34

Federal

U.S. Constitution

Fifth Amendment 57
Sixth Amendment 254, 255, 256
Thirteenth Amendment 187
Fourteenth Amendment .. 179, 186, 187, 188, 189, 198, 200, 202, 206, 209, 210, 215, 217, 220, 223, 227, 229, 230, 231, 232, 233, 234, 235, 237, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 253, 256, 259, 261
Fifteenth Amendment 228, 231

U.S. Code

7 U.S.C. 1158(c) (1964) 405
11 U.S.C. 103 (1956) 132
12 U.S.C. 611 (1964) 382
12 U.S.C. 635 (1964) 382
18 U.S.C. 6(b) (Supp. 1939) 322
18 U.S.C. 2385 (1964) 502
18 U.S.C. 2385 (1956) 324
22 U.S.C. 2181 (1964) 384
22 U.S.C. 2181(b) (1964) 406
22 U.S.C. 2370(c) (1964) 405
22 U.S.C. 2370(e) (1964) 405
23 U.S.C. 2184 (1964) 406
28 U.S.C. 1253, 2281-84 (1964).. 504
28 U.S.C. 1343 (1964) 504
28 U.S.C. 2201 (1964) 504
42 U.S.C. 1983 (1964) 478, 504
42 U.S.C. 2000(e) (1964) 477

Statutes at Large

1 Stat. 118 (1790) 255
14 Stat. 27 (1866) 180, 192, 197, 198, 251, 252
60 Stat. 1440 (1945) 382
68 Stat. 456 (1954) 382
75 Stat. 426 (1961) 383
76 Stat. 260 (1962) 405
Civil Rights Act of 1875 ..... 179, 243, 249

Congressional Globe

Cong. Globe, 39th Cong., 1st Sess. app. 132 (1866) 246
Cong. Globe, 39th Cong., 1st Sess. 311 (1866) 246
Cong. Globe, 39th Cong., 1st Sess. 1063 (1866) 243
Cong. Globe, 39th Cong., 1st Sess. 2530 (1866) 246
Cong. Globe, 39th Cong., 1st Sess. 2545 (1866) 243
Cong. Globe, 39th Cong., 1st Sess. 2961 (1866) 243
Cong. Globe, 42d Cong., 2d Sess. (1872) .. 142, 180, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203 204, 205, 206, 208, 213, 224, 250

Cong. Globe, 41st Cong., 3d Sess. (1871) 180
Cong. Globe, 41st Cong., 2d Sess. (1870) 180
Cong. Globe, 41st Cong., 2d Sess. 1965 (1868) 243

Congressional Record

2 Cong. Rec. 341 (1874) 234
2 Cong. Rec. 342 (1874) 234
2 Cong. Rec. 343 (1874) 234
2 Cong. Rec. 344 (1874) 234
2 Cong. Rec. 417 (1874) 234
2 Cong. Rec. 418 (1874) 234
2 Cong. Rec. 419 (1874) 234
2 Cong. Rec. 420 (1874) 234
2 Cong. Rec. 421 (1874) 234
2 Cong. Rec. 478 (1874) 235
2 Cong. Rec. 479 (1874) 235
2 Cong. Rec. 481 (1874) 234
2 Cong. Rec. 4168 (1874) 231, 232
2 Cong. Rec. 4169 (1874) 231, 232
2 Cong. Rec. 4170 (1874) 232
2 Cong. Rec. 4171 (1874) 232
2 Cong. Rec. 4172 (1874) 232, 233
2 Cong. Rec. 4173 (1874) 234
2 Cong. Rec. 4174 (1874) 234
2 Cong. Rec. 4175 (1874) 234
2 Cong. Rec. 4176 (1874 234
2 Cong. Rec. 4592 (1874) 234
2 Cong. Rec. 4593 (1874) 234
2 Cong. Rec. 4782 (1874) 235
2 Cong. Rec. 4783 (1874) 235
2 Cong. Rec. 4785 (1874) 235
3 Cong. Rec. 15 (1875) 239
3 Cong. Rec. 16 (1875) 239
3 Cong. Rec. 17 (1875) .. 236, 239, 240
3 Cong. Rec. 18 (1875) 239
3 Cong. Rec. 19 (1875) 239
3 Cong. Rec. 20 (1875) ..236, 239, 240
3 Cong. Rec. 21 (1875) 239
3 Cong. Rec. 22 (1875) 239
3 Cong. Rec. 23 (1875) 239
3 Cong. Rec. 24 (1875) 239
3 Cong. Rec. 58 (1875) 238
3 Cong. Rec. 59 (1875) 238
3 Cong. Rec. 105 (1875) 227
3 Cong. Rec. 113 (1875) 236
3 Cong. Rec. 117 (1875) 244
3 Cong. Rec. 119 (1875) 238
3 Cong. Rec. 120 (1875) 238
3 Cong. Rec. 938 (1875) 236
3 Cong. Rec. 939 (1875) 236
3 Cong. Rec. 945 (1875) 237
3 Cong. Rec. 948 (1875) 237
3 Cong. Rec. 950 (1875) 244
3 Cong. Rec. 951 (1875) 236, 237
3 Cong. Rec. 952 (1875) 236
3 Cong. Rec. 957 (1875) 238
3 Cong. Rec. 978 (1875) 236, 238
3 Cong. Rec. 979 (1875) 238
3 Cong. Rec. 980 (1875) 238
3 Cong. Rec. 981 (1875) 238, 239
3 Cong. Rec. 982 (1875) 236, 239
3 Cong. Rec. 997 (1875) 240
3 Cong. Rec. 998 (1875) 240
3 Cong. Rec. 999 (1875) 240
3 Cong. Rec. 1000 (1875) 241
3 Cong. Rec. 1001 (1875) 236, 241, 246
3 Cong. Rec. 1002 (1875) 241
3 Cong. Rec. 1003 (1875) 241
3 Cong. Rec. 1005 (1875) 241
3 Cong. Rec. 1010 (1875) 241
3 Cong. Rec. 1011 (1875) 242

Federal Rules of Criminal Procedure 44 256

Internal Revenue Code of 1954

Section 11 386
Section 165(g) (3) 398
Section 165(i) 398
Section 167(a) 335
Section 172(b) (1) (D) 398
Section 337 335
Section 351 391
Section 367 391
Section 482 399
Section 671 293
Section 672 293
Section 673 293
Section 674 293
Section 675 293
Section 675(4) 294
Section 676 293
Section 677 293
Section 677(a) 289
Section 678 293
Section 861 390
Section 861(a) (3) 391
Section 861(a) (6) 390
Section 862 390

Section 862(a) (3) 391
Section 862(a) (6) 390
Section 863 390
Section 863(b) 390
Section 881 387
Section 882 387
Section 901 389
Section 902 389
Section 903 389
Section 904 389
Section 905 389
Section 906 389
Section 907 389
Section 908 389
Section 909 389
Section 910 389
Section 911 389
Section 911(a) (1) 388
Section 911(a) (2) 388
Section 911(c) (1) 388
Section 912 389
Section 913 389
Section 914 389
Section 915 389
Section 916 389
Section 917 389
Section 918 389
Section 919 389
Section 920 389
Section 921 ..... 389, 393
Section 922 ..... 389, 393
Section 923 389
Section 924 389
Section 925 389
Section 926 389
Section 927 389
Section 928 389
Section 929 389
Section 930 389
Section 931 389
Section 932 389
Section 933 389
Section 934 389
Section 935 389
Section 936 389
Section 937 389
Section 938 389
Section 939 389
Section 940 389
Section 941 389
Section 942 389
Section 943 389
Section 944 389
Section 945 389
Section 946 389
Section 947 389
Section 948 389
Section 949 389
Section 950 389
Section 951 ..... 387, 389
Section 952 ..... 387, 389
Section 953 ..... 387, 389
Section 954 ..... 387, 389
Section 954(b) 396
Section 955 ..... 387, 389
Section 956 ..... 387, 389, 397
Section 957 ..... 387, 389
Section 958 ..... 387, 389
Section 959 ..... 387, 389
Section 960 ..... 387, 389
Section 961 ..... 387, 389
Section 962 ..... 387, 389
Section 963 ..... 387, 389
Section 964 ..... 387, 389
Section 964(c) 399
Section 965 ..... 387, 389
Section 966 389
Section 967 389
Section 968 389
Section 969 389
Section 970 ..... 389, 396
Section 970(a) 396
Section 971 ..... 389, 396
Section 972 ..... 389, 396
Section 1248(d) 398
Section 1249 392
Section 2035 291
Section 2036 ..... 282, 283, 284, 285, 286, 290, 291
Section 2036(a) (2) 292
Section 2038 290
Section 2042 291
Section 4911 389
Section 4912 389
Section 4913 389
Section 4914 389
Section 4915 389
Section 4916 389
Section 4917 389
Section 4918 389
Section 4919 389
Section 4920 389

Section 6038 399
Section 6046 399
Section 7701(a) (4) 386

Internal Revenue Code of 1939
Section 117(j) 336
Section 811(g) 291

Revenue Acts
Revenue Act of 1932
Ch. 209, Section 803, 47 Stat. 279 284
Revenue Act of 1918
Ch. 18, 40 Stat. 1057 335
Ch. 18, 40 Stat. 1067 335
Ch. 18, 40 Stat. 1068 335
Ch. 18, 40 Stat. 1078 335
Revenue Act of 1916
Ch. 463, Section 202(b), 39 Stat. 777 283

Technical Changes Acts
Technical Changes Act of 1949
Ch. 720, Section 7, 63 Stat. 894 284
Ch. 720, Section 8, 63 Stat. 896 284
Technical Changes Act of 1953
Ch. 512, Section 207, 67 Stat. 623 284

Treasury Regluations
Section 167(a)-1(a) (1956) 339
Section 167(a)-1(b) (1956) 339
Section 1.167(a)-1(c) (1956) ... 338, 339, 340
Section 1.167(a)-8(a) (1956) ... 340
Section 1.662(a)-4 (1956) 289
Section 1.861-7 (1960) 390
Section 1.863-1 (1960) 390
Section 1.863-2 (1960) 390
Section 1.863-3 (1960) 390
Section 1.863-4 (1960) 390
Section 1.863-5 (1960) 390
Section 1.911-1 (1957) 388
Section 1.911-2(a)(4) (1966) 388
Section 1.911-2(c) (1963) 388
Section 1.954-3(a)(4) (1963) ... 396
Section 1.6081-2 (1959) 388
Section 20.2036-1(a)(ii) (1958).. 285
Section 20.2036-1(b)(i) (1958) .. 285
Section 20.2036-1(b)(ii) (1958) 285, 289
Uniform Rules of Evidence
63 (31) 305

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VOLUME XXXVIII OCTOBER 1967 NUMBER 4

CONTENTS

PROCEEDINGS OF THE MISSISSIPPI STATE BAR 529
ADDRESSES
John T. Armstrong, *President's Report* 529
Robert Braucher, *Uniform Commercial Code* 536
Stokes V. Robertson, Jr., *Recent Changes in Mississippi Supreme Court Rules and Procedure* 547
J. P. Coleman, *Appellate Proceedings in the United States Court of Appeals* 554
Earl Morris, *The Crisis and Challenge of Crime* 560
John W. Wade, *Some Recent Changes in the Law of Torts* 565
PROCEEDINGS OF THE JUNIOR BAR SECTION 578
ADDRESSES
Gene Wilkins, *Your Role in the ABA* 578
Ramsey Clark, *Address of Ramsey Clark* 582
COMMITTEE REPORTS 588
SENIOR BAR
Bar Admissions Study Committee 588
Bar Foundation 589
Bylaws Revision Study Committee 590
Department of Justice Building Committee 591
Judicial Administration Committee 592
Law School Committee 592
Legal Services to the Poor 593
Procedural Reform Study Committee 594
Public Defender Committee 594
Resolutions Committee 595
Study Committee 596
Special Supreme Court Study Committee 597
DIRECTORY OF MISSISSIPPI STATE BAR 599
GENERAL INDEX TO VOLUME XXXVIII

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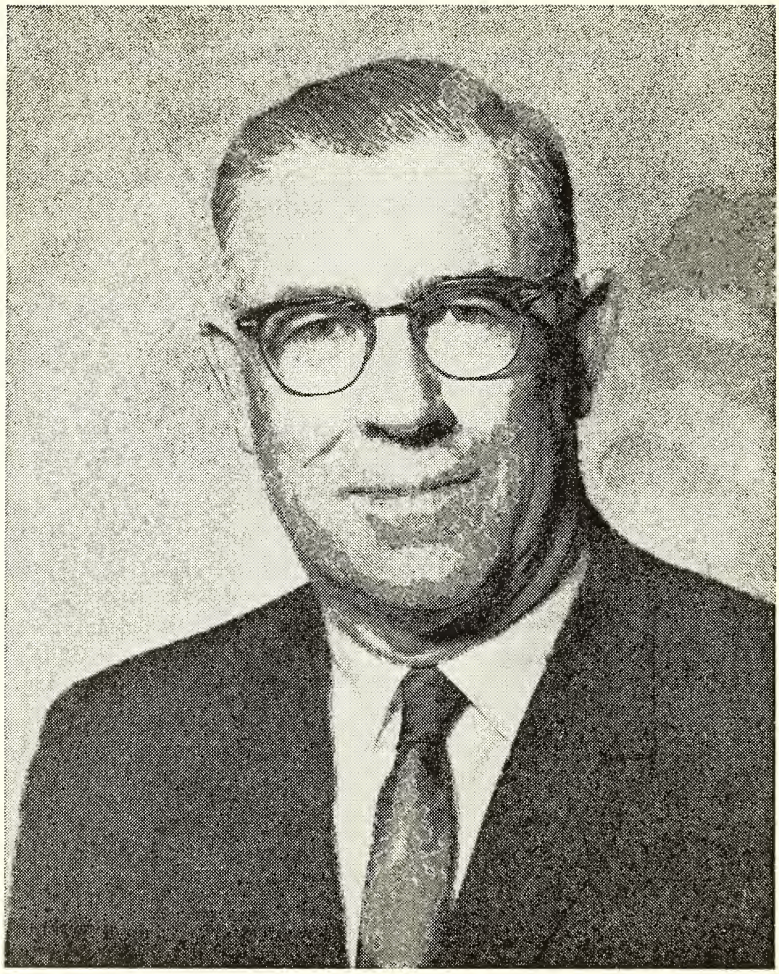

JOHN T. ARMSTRONG

Retiring President of the Mississippi State Bar

PROCEEDINGS OF THE SIXTY-SECOND ANNUAL MEETING OF THE

Mississippi State Bar

Held at Biloxi, Mississippi, on June 30 and July 1, 1967

The First General Assembly of the Mississippi State Bar was called to order in the Buena Vista Hotel in Biloxi, Mississippi, at 9:30 A.M., June 30, 1967, by Mr. John T. Armstrong, President of the Mississippi State Bar.

The invocation was delivered by Father Bernard Farrell of Biloxi.

An address of welcome was delivered by Mr. Ben H. Stone of Gulfport, and it was responded to by Mr. N. W. Overstreet, Jr., of Jackson.

President Armstrong then delivered the following report.

PRESIDENT'S REPORT

John T. Armstrong

The 1966-67 general assembly of the Mississippi State Bar Convention has just been called to order, and under the Bylaws the first order of business is the "Address or Report of the President." Thus, the scheduling cannot be blamed upon me.

The Program Committee under the leadership of my law partner, Harry O. Hoffman, Jr., has done an outstanding job in securing such a fine array of talent for our convention, and we are all indebted to this committee. It might interest you to know that this program, out of necessity, was arranged nearly a year in advance. However, if you will examine your printed program you will note that the main part gets under way at 10 A. M., which reflects that this committee did not intend for me, to whom you have been so kind the past year, to bore you with unjustified claims of accomplishments or to trespass upon the plans of my successor. You may rest assured that I will do neither, and as one about to join the list of "Past Presidents," I know my position.

The greatest honor a lawyer can receive from you is to be selected as your president, and I shall always be grateful for your having so honored me. It was an honor I did not earn or deserve. I have enjoyed serving as your leader and working with you. Mississippi has a great Bar, whose members are willing to work and help in any worthwhile endeavor. During this past year not a single lawyer has refused any assignment asked of him.

My work was made easy because of the great work of my predecessors in office, especially that of President Orma R. Smith, our immediate past president. Time and again I have called upon many former presidents of the Bar: Hugh N. Clayton, W. S. Henley, David C. Cottrell, Jr., Orma R. Smith, Earl T. Thomas, John C. Satterfield, Sherwood W. Wise, and Gibson B. Witherspoon, as well as many other members of the bench and bar; I am indebted to these men for their help, counsel, advice, and for the many hours of time they have given.

Board of Bar Commissioners

No president has ever had a finer group of Commissioners to work with—they are all capable and conscientious lawyers. It has been a pleasure to work with these eighteen men and one lady, all of whom are dedicated to the welfare of the entire Bar. Meetings were held on July 7, and December 1, 1966, and on February 23, April 7, and June 29, 1967, often lasting several hours. The Commissioners have handled your business in an efficient manner, and deserve much credit for the success of your Bar.

The present statutes require that all commissioners be elected annually. The system has worked because most of the Commissioners serve for more than one year. However, some districts rotate each year. This is not good for the district nor the bar. I recommend that a study be made giving thought to three-year terms, staggered so that one-third of the commissioners will be elected each year, and a study should be made of the method of selection, since it is now scheduled as the last order of business and takes place when many members have already left the convention.

Committees

Prior to my being installed in office, I sent out questionnaires to the entire membership of the Bar. The answers and comments I received from approximately five hundred members who responded were beneficial to me and the Bar. I appointed forty different committees. This number includes several new ones: Bar Admissions Study, Bylaws Revision Study, Law School Liaison, Office Management and Fee Schedule, Procedural Reform Study, Municipal Law, Public School District Lawyers, Trial Lawyers, and Supreme Court Study Committees. These new committees were named because of the existing needs.

I shall not undertake to review the work of the various committees, as you have already been furnished with copies of their reports. If you have not already done so, I urge that you read these reports. Several of them will require Convention action, and all of you should be present

when they are considered.

These committees have made valuable contributions to the bar membership, and we are all indebted to the many who have given so much of their time to the work of the Bar. I ask that you give careful consideration to the recommendations, because the committees made thorough studies of the subjects before submitting the suggested changes to you.

I express my profound gratitude to all of the committee chairmen and members for the interest manifested, the time given, the study made, the cooperative effort, the unselfish attitude, and for the splendid results.

Public Relations

The Public Relations Committee under the leadership of Honorable Scott Tennyson, its chairman, has done a great deal of work. The State Bar has received good publicity during this bar year, but there is much more to be done in this area. Each lawyer, and especially the local bar associations, can help at the local level. I urge that we all resolve to improve our relations with the general public.

Complaints

The State Bar must police its own membership, and in this connection we have received too many complaints during the past year. The Bylaws Revision Study Committee has made some recommendations that I hope you will adopt. It will help expedite the handling of some complaints.

Finances

There is a great deal of work involved in the operation of your bar, and it will increase in the future, and this is true of the expense. The Bar this year under my direction has spent several thousand dollars in excess of the budget. This came about because of more committee expense, increase in the cost of printing your law journal, printing and mailing out a revised suggested fee schedule, printing committee reports, office equipment, and because of the general increase in the cost of the services to the membership. The bar dues must be raised or the services must be curtailed. The Bar Convention last year recommended that the annual dues be raised from twenty dollars to forty dollars, and this must be done if you expect your association to render the services that you are accustomed to. I express my personal appreciation to the many lawyers who have only recently mailed in contributions to the Bar along with their dues. I hope that each of you will help us with the Legislature next January in the effort to get the increase in Bar dues.

Even with the increase we will be paying less than most of the other professions in Mississippi.

Outside Lawyers

While most of my work this past year has been interesting and pleasant, one phase has been disagreeable, and which none of us like to discuss. However, it is so important to the lawyers and courts of this state that I must now burden you with the problem. We are faced with it and cannot expect it to go away if we close our eyes and take no action. At the outset let me state here and now that I am not a person who can be classed as a racist. I practice law in a rural county and represent many members of the colored race, and like many of you I have their respect and confidence.

There are three groups that operate law offices in the city of Jackson, claiming to handle only matters that deal with civil rights. These offices are each staffed with several lawyers, most of whom are from out of the state and who are not members of our Bar. Yet they practice throughout the state in the State Courts, and they handle many cases that do not involve civil rights. The three groups are as follows:

Lawyers Constitutional Defense Committee
603 North Farish Street
Jackson, Mississippi

Lawyers' Committee for Civil Rights Under Law
233 North Farish Street
Jackson, Mississippi

Legal Defense and Education Fund, Inc. (NAACP)
538½ North Farish Street
Jackson, Mississippi

These groups came into our state originally for the purpose of defending the then large groups of civil rights workers who were being arrested. The only group that has had any contacts with the State Bar is the Lawyers' Committee, which is also known as the President's Committee, as it was created at the request of President Kennedy. This Committee has two offices, one in Washington and one in Mississippi.

The membership of the Lawyers' Committee contains many prominent men in the legal circles of this country, including eight former Presidents of the American Bar Association and many law school deans.

The Mississippi State Bar leaders and Bar Commissioners in 1965 were faced with a problem in that civil rights workers were being arrested in large numbers. The Lawyers' Committee offered to temporarily locate an office in this State and take over the defense of said

parties and work with the Bar. On May 24, 1965, the State Bar Commissioners adopted the following resolution:

> Whereas, the Lawyers' Committee for Civil Rights Under the Law will open an office or offices in Mississippi to render representation for those who are charged with violation of law in connection with the enforcement of civil rights; and
>
> Whereas, the Board of Bar Commissioners of the Mississippi State Bar has determined that this group will staff its office or offices with reputable attorneys carefully screened by the Committee; and
>
> Whereas, it is the established policy of the Mississippi State Bar that all persons, regardless of race, creed, or color, charged with a crime of any nature, shall have proper representation in the Courts of the State, and
>
> Whereas, it is the policy of said committee to provide representation only in cases where the person involved cannot obtain such representation;
>
> Now, therefore, be it Resolved, that the Board of Bar Commissioners extends its cooperation to this Committee in the discharge of its policy so pronounced, provided the said Committee shall require any such person to present evidence sufficient to it to establish the fact that such person cannot obtain legal representation from the Mississippi Bar, and that such Committee shall require evidence over and above an unsupported statement by the person involved; and provided further, that if such person is able to pay for such representation, the services will be extended only where such person has been unable to obtain Mississippi counsel, regardless of compensation.

Satisfactory arrangements were made for a liaison between the State Bar, local staff members and an official of the Committee. At the beginning and for several months thereafter there existed a friendly relationship between the Bar and said group, and the office was supervised from a high level. The personnel in said office changed prior to the time the new officers of the State Bar took over. Shortly after I was installed as your president I began to receive numerous complaints about the fact that the lawyers from this group were operating outside the framework of the resolution, and the Unauthorized Practice of Law Committee made an investigation, which showed that said lawyers were filing all types of actions, that they were violating the terms of the resolution; and that the office had just become another civil rights pressure group. I might add that the local office gave press releases on some suits they had filed, and even recently one of the lawyers for another group made a television appearance in behalf of clients.

Curtis E. Coker, N. W. Overstreet, Jr., some former presidents

of our Bar, and I have spent many long hours in numerous conferences with some of the local staff lawyers, representatives of the Committee, and even had a long conference with some members of the Committee at the American Bar Association meeting in Houston, Texas. The Committee finally agreed to investigate its Jackson office. A team of four lawyers was sent down to make the investigation, three of whom had formerly worked out of the Jackson office. The report of such investigation was partisan, defensive, and unsatisfactory. The State Bar officers became convinced that the Committee did not intend to operate its Jackson office in accord with the resolution. So on April 7, 1967, your present Bar Commissioners rescinded the 1965 resolution, and directed the President to advise the co-chairman of the Lawyers' Committee as follows:

> 1. The scope of the Committee's actions in Mississippi has admittedly exceeded the understanding set forth in said resolution of May 24, 1965.
> 2. The decline in the activities for the problem specified in the original resolution indicates that problem no longer exists.
> 3. If the Committee feels the need for further cooperation with the Mississippi State Bar and will make a written proposal thereon, the Commissioners will give such proposal the same careful consideration as in the past.

In my judgment word has gone out over certain areas of this state that "if you are colored, you can get a free lawyer by calling said office." This has been brought about by the eagerness of the lawyers to become prominent in the movement, without regard to the State laws governing the legal profession.

We have now learned through a communication of the Twentieth Century Fund in a conference on October 6, 1966, that:

> Representatives of the Lawyers' Committee for Civil Rights Under Law ("the President's Committee") and the Lawyers Constitutional Defense Committee ("LCDC") reported on recent significant changes and developments in the attitudes and tactics of both the committees and Southern authorities. Faced with continued non-compliance with the law, the committees have increasingly shifted from individual defensive cases to concentration on affirmative actions designed to force broader compliance and bring about structural change. These actions include injunction proceedings against discriminatory jury systems and elections boards, as well as civil damage suits. The President's Committee is also focusing on cases which will contribute to increasing the political power of the Negro, such as suits to enjoin elections, to desegregate county election commissions, and to insure voter registration rights.
> It was unanimously agreed by the conferees that the need for

outside lawyers might last for five to ten years, and more in some areas. The situation, in their opinion, called for concentration on two basic objectives: (1) provision for adequate and competent legal representation and (2) changing the entire structure of justice and law enforcement in the South.

The change in policy put into effect in Mississippi violated the original resolution of the State Bar. Some of these lawyers have encouraged law violations, have encouraged street demonstrations, and have given aid to school, town, and business boycotts. As lawyers we must agree with former American Bar President Lewis F. Powell, Jr., when he said, "Unless our cherished system of Liberty under law is to become a mockery, the Courts—rather than the streets—must be the arbiters of our differences."

There is no reason for the State Bar to disregard the fact that these outside lawyers are unlawfully engaged in the practice of law in the State of Mississippi. There is no need for the continuation of this practice. Criminal representation has been taken care of by the necessity of court-appointed counsel. In many of the civil rights areas, the Department of Justice and other federal agencies have taken over. Section 8666 of the Mississippi Code Annotated of 1942 provides how an out-of-state lawyer can appear in the Mississippi Courts in a special cause.

If the Bar really wants to do something about this question, and it must, the following suggestions should be considered:

1. We should continue to uphold the established policy of the Mississippi State Bar that all persons, regardless of race, creed, or color, charged with a crime of any nature, shall have proper representation in the courts of the State. Consideration should be given, if necessary, to the President of the State Bar appointing a committee, composed of approximately six former State Bar Presidents and ten or more local Bar Presidents, who shall be charged with the duty of finding Mississippi lawyers to handle meritorious civil rights matters, and in the event it is necessary this committee should handle such matters where other counsel cannot be obtained.

2. The President should appoint another committee to study and with the consent of the Bar Commissioners take appropriate action by injunction or otherwise against those who are unlawfully practicing law in Mississippi.

Executive Director

The State Bar is fortunate to have as its executive director George Van Zant. He has been a capable and efficient director, and the business of your office has been conducted with dispatch. George is a hard worker, and deserves the commendation of the entire bar. I am appreciative of his help and loyalty.

My assistant, E. E. Laird, Jr., has been of great help to me during this year, and he is a capable and energetic leader.

The Vice-President and President-Elect

Honorable N. W. Overstreet, Jr., your President-Elect, has been of invaluable service to me, the committees, the Bar Commissioners, and the entire Bar membership. He spent several days with me in the selection of the committees, and he has been present at practically every committee meeting. He has been present at all conferences dealing with the business of the State Bar, and has helped in the making of important decisions. I am indebted to him for his loyalty, help, and cooperation. I predict that the Mississippi State Bar will have its greatest year under his leadership as President.

Conclusion

I want to thank my law partner and our entire office force for their help and understanding, and I especially thank my clients who have been so indulgent, and I am now advising them that I will be back in the office on Monday. I thank my wife and family for their continued love and affection.

The Armstrongs have enjoyed representing you in the American Bar Association meetings and as guests at the annual Bar Conventions of our sister states. We enjoyed these meetings, and I can assure you that it was a distinct honor and a great privilege to have had on my name badge "President of Mississippi State Bar," and to know that our Bar is recognized and respected throughout this Country.

In conclusion I want to state again that I have enjoyed working with you. I am satisfied that we have had a good year, not through any individual effort on my part, but through the united effort of the entire Bar. The lawyers today are most interested in the work of the organized Bar.

I shall always be grateful for the opportunity of serving you, and I shall continue to help and cooperate in my individual capacity.

Mr. Gibson Witherspoon of Meridian introduced Mr. Robert Braucher, Professor of Law, Harvard University, who delivered the following address.

UNIFORM COMMERCIAL CODE

Robert Braucher

Mr. President, members of the Mississippi State Bar, and guests:

I have done this before in other places. I have about four different styles I use in presenting information about the Uniform Commercial Code. I have given such a speech in about twenty states. One style is used to get the bill enacted. It tells what a great thing it is and how badly it is needed.

The second style is used before the effective date to reassure people that the world will not come to an end on that date. The third is used after the thing is in effect. It answers numerous questions; principally, "What do we do now?" And the fourth, of course, is used when I teach this at Harvard Law School. There I cover a part of the Code in about sixty-seven hours of class time with the students spending a substantial amount of time reading many pages of printed material. All I can do at this point is to give you the once-over-lightly and reassure you that come March 31, 1968, unless your experience is very different from that of all the other states which have gone through this crisis, the world will still be there, and you will still be practicing law, and litigation will not come to an end. There will be work to do.

I think when you start, it is a mistake to assume too much in the way of knowedge in this subject. I think it's worth taking a moment to run through the Code to find just what it's about. I am certain a good many of you are a little unsure at this point.

There are ten Articles in the Code. Article 1 concerns provisions and definitions. There are some important things there, but it has no subject matter of its own. It merely assists in introducing the other substantive articles.

Article 2 is perhaps the most important Article in the Code. It is not the most significant on the day of transition. It is the article on sale of goods. In most states Article 2 on sales replaces the Uniform Sales Act, now about sixty years old. Mississippi never enacted the Uniform Sales Act. You will find, I think, that a good deal of the Code is fairly familiar law, just as the Uniform Sales Act was fairly familiar law. There are about 104 sections in this Article 2, and about one-third is new to the statute books. A great deal, when title to goods passes, what happens when goods are destroyed, who has the risk, what remedies are available when one party or the other fails to live up to the agreement, was in the Uniform Sales Act. This Act was largely a codification of the common law principles, and the Code carries these main provisions forward without radical change. You do have about one-third of the Code new to the statute books. Some of this deals with the formation of contracts, some gives statutory definitions of such common terms as FOB. If you don't know about these provisions, you may miss a trick. They are tools that you can use in the making of ordinary contracts for the sale of goods.

Article 3 concerns commercial paper and replaces the Negotiable Instruments Law. I would say it is probably the most conservative of all of the articles of the Code. It is largely a prettying up of the Negotiable Instruments Law. The main changes in Article 3 on commercial paper are the things that are taken out that used to be in the Negotiable Instruments Law. There are three children that have grown up and that are now being moved off into their separate houses. One is found in Article 4, Bank Deposits and Collections. That was largely covered originally by the Negotiable Instruments Law, but developments in banking practice, development in mechanized methods of doing business, the introduction of computers and automation, have resulted in changes. In recognition of that you now have a separate article on bank deposits and collections. This is rather specialized and intricate, and it largely codifies what your bankers are already doing.

The second child is potentially but not immediately important. This is Article 5 of the Code which covers letters of credit. The commercial letter of credit is a long standing institution in foreign trade. The use of this device in domestic transactions is a comparatively modern thing, and it has had varying degrees of popularity around the country. The First National Bank of Boston pioneered what they call the first plan. This enables the bank to issue a letter of credit to the ordinary citizen who wishes to go out and buy an automobile. It has been an effective sales gimmick for the Bank. Article 5 of the Code is for the first time attempting to set down a skeleton set of principles on what a letter of credit is and how it works. And I think, as time goes on, it may stimulate greater use of this institution. People have been held back a little because outside the great city of New York there wasn't much law. There was a lot of law in New York, because here all the letters of credit were issued. Around the country it is sort of hard to find much letter-of-credit law.

The third child is also a secession from the Negotiable Instruments Law, the matter of corporate bonds. Corporate bonds were originally covered by the Negotiable Instruments Law but not very satisfactorily. They are now in the Commercial Code, Article 8 on investment securities, along with corporate stock. So the main change in Article 3 is simply spinning off three separate subjects, which thus are withdrawn from the Negotiable Instruments Law proper and given their own new homes—bank deposits, collections, letters of credit.

The Bulk Transfer article is Article 6. This is an expansion of, and an attempt to settle disputed questions under, the Bulk Sales Act which had been enacted in every state. I notice Mississippi goes back to 1908 in this field. Those statutes were passed at the instigation of the association of credit men, and they deal with a rather special kind

of commercial fraud. Most lawyers outside of the great cities sooner or later have to do something about bulk sales. You can't sell a small business without worrying about it. For me, the great provision in Article 6 of the Commercial Code is the one that says that after six months you are home. It's the statute of limitations. My experience has been that an amazing number of lawyers practice law for a good many years without knowing that there is a Bulk Sales Act. This is just as true with the Code. You can get badly hurt by not knowing there is a Bulk Sales Act, but as long as you have a short statute of limitations, you have some chance of staying alive. I think you will find when you use the Code that it is clearer, more detailed, and more specific than the preceding statute. Your statute undoubtedly is like the others, just one long, rather intricate sentence which you have to unravel to make it work. This one sort of breaks out one piece after another so that you can follow step by step.

Article 7, Documents of Title, is a combination of two uniform laws: the Warehouse Receipts Act and the Bills of Lading Act. Mississippi had the Warehouse Receipts Act but not the Bills of Lading Act. If you were in the railroad business, you probably would be familiar with the general principles that were in the Uniform Bill of Lading Act—because they were enacted by Congress in the Federal Bills of Lading Act to cover any interstate shipment. Therefore the Code on the Bills of Lading has a limited scope. It applies only to intrastate shipments and to some imports. The two subjects, Warehouse Receipts and Bills of Lading, are very similar to the old statutes, and are consolidated in Article 7. There are some changes to catch up with modern practice and some changes to conform to the Federal Bills of Lading Act.

Then we have Article 8, Investment Securities, in which corporate bonds have gone along with the provisions that were in the old Uniform Stock Transfer Act to cover corporate stock. You now have provisions to cover both registered bonds and bearer bonds. These are dealt with as investment securities, and basically the principles that were in the Stock Transfer Act are now made applicable to corporate securities of all kinds. One thing worth knowing here is that there is a uniform act for the simplification of fiduciary security transfers. I was the draftsman and chairman of the committee that prepared this. We were all very proud of it. We were a little too successful with it, and people got happy with it. All we have done is take a piece of the Commercial Code and revise it a little bit and then pull it out as a separate thing to try to simplify the transfer of stocks held by estates and trusts. It was passed while the Code was still being debated in many states, including Mississippi. When we began bringing the Code

into states where we had already been successful with this short simplification act, we found people saying, "Well, you are going to tear up our simplification act, and it's working very well." To avoid pain about that, we drew up a provision, which is in your Code, that in the case of conflict and inconsistency between the simplification act and Article 8 of the Code, the provisions of the short act shall prevail. I don't believe there are any inconsistencies, but if there is one, the simplification act still remains in effect.

Now, we come to the big one, Article 9, on secured transactions. This is an important innovation. I think it has probably been more responsible for the selling of the Code than anything else. Security law, the law governing security interest in personal property, has been something of a mess. It grew up as a whole series of separate subjects. The pledge, possessory security interest, goes back to Roman times. People found out that you could pledge pieces of paper and have them stand in place of goods. That's what warehouse receipts and bills of lading are for to some extent. You also pledge corporate bonds and corporate stocks, so you have an extension of the concept of pledge. Then you have sort of a pretended pledge known as the field warehouse. You bring the warehouse man to the place of business and have him set up some chicken wire and put the security inside the chicken wire for the warehouse man to watch. This is an extension of pledge law.

Then two hundred years or so ago you began to have another development of a non-possessory security interest in personal property. This has various names. I suppose the most common one in the United States is chattel mortgage, but in a good deal of the South they talk about deeds of trust. This proceeds by analogy to the real estate mortgage. Then you have statutes growing up during the 19th century, mostly providing for some kind of public record when there is a non-possessory security interest. These are called chattel mortgage, deed of trust, and the like. About the middle of the 19th century you began to have conditional sales, in which goods are sold with the seller retaining the title until he is paid. The development of the automobile gave this quite a lift in the early part of the 20th century. I suppose it is no accident that the Uniform Conditional Sales Act has about the same date as the formation of the General Motors Corporation. You have separate bodies of law for each of these things.

Then you have various types of attempts to get security in stock and trade and in inventory; thus you have the Trust Receipts Act. The trust receipt itself had a common law development dating 1870 or thereabouts, but the Trust Receipts Act was not put together until 1933. It was an attempt to cover what we now call floor plan financing, or wholesale financing of automobiles on the showroom floor. To

accomplish the same objective with goods that do not have a serial number and cannot be so easily identified you had factor's lien statutes. I gather you had one of those in Mississippi. Then you had various attempts to use intangible personal property as security, and these had their troubles. Of particular importance is the use of accounts receivable for this purpose. After World War II you began to have, in order to meet certain bankruptcy problems, statutes passed around the country providing for security interest and accounts receivable.

As you all know, the world changes, and one thing that is changing is that property is disappearing. The end of the process will occur when all our wealth is contained in some computer located around St. Louis. The day it blows a fuse we will all be "wiped out." With this development things are becoming more and more intangible, you are dealing in accounts receivable, or shares of corporate stock, or something on a piece of paper. Eventually the pieces of paper will disappear, and you will just push a button. All of these things have to be taken into account. Our law takes account of these and pretends they are just like a cow. We have a section in Article 8, Section 8-320, about a stock clearing corporation. They invented that in New York. Just think of how that works. There is some lady, Lizzie Zielke, in Keokuk, Iowa. She has two shares of telephone stock and wants to sell it. There is some partnership called Hunk & Dunk, or something like that, which is in a little cage in the bottom of the Bankers Trust Company. It holds the shares, the certificate of A.T. & T. stock. In fact it holds thousands of shares subject to the directions of the Bankers Trust Company. The Bankers Trust Company holds them subject to the directions of the Stock Clearing Corporation. The Stock Clearing Corporation holds them subject to the directions of some customer like Merrell, Lynch, Fenner and Smith. Merrell, Lynch, Fenner and Smith holds them for the benefit of the Chase National Bank. Chase National Bank holds them for the benefit of the First National Bank of Keokuk, Iowa, and the First National Bank of Keokuk, Iowa, holds them for the benefit of Lizzie Zielke. You are pretty far from anything tangible. When you get to the end of it all you have is a piece of paper representing so many thousand shares of A.T. & T. stock. This sort of thing has to be taken into account. The Code, I don't think, has gone the whole way in this electronic age. It does, however, show some signs of it.

The Secured Transactions Article tries to deal with the whole business of securities in personal property on one set of principles, and the principle is pretty simple. You have either possession or you have a file of a record in a public office. There are some exceptions to that, of course, but that's the main message. What you have is a security interest and the basic position of a holder of security interest. Whether

it used to be a chattel mortgage, a conditional sale, assigning of accounts receivable, a trust receipt, a factor's lien, a pledge of stock, or a pledge of a cow, doesn't make any difference. Your objective basis is to hold that property to get your debt paid and if it is not paid to be able to sell the property and use the proceeds to pay the debt. All of that is put into a single comprehensive scheme in Article 9. It looks a lot more complicated than it is, especially the various definitions of different types of collateral. Actually the principle comes through pretty clearly. Article 9 is the one that will affect daily operations of most practicing lawyers. Banks, for example, will have to find out about Article 9 before March 31, 1968. They really have an operating set of problems. I think once they get to use it, they will like it; everybody else has. It is simplified. It is clean and neat by comparison with this mass of different specialized laws. I think you will find that as people come to know how to operate under Article 9 they will like it.

There are a couple more points I can make even in a quick survey. At the time of transition the question of whether to change over existing transactions or to let them run out under the old law will arise. There is in the Code a saving clause which states that a transaction validly entered into before the effective date and the rights, duties, and interest flowing from it remain valid thereafter. The transaction may be terminated, completed, consummated, or enforced as required or permitted by any statute or other law amended or repealed by this Act as though such repeal or amendment had not occurred. If you have a simple automobile loan, you can let it run out under the old law after March 31, 1968. Perhaps that is as good a way of doing it as any. If you have any kind of revolving situation where the debt is changing, you are making new advances, where the collateral is shifting, or you are substituting new collateral, I suggest it may save trouble to change over to the Code system effective March 31, 1968. It is easier to carry on with the single system because after that date any new transaction does have to be under the Code. If you have any shift in the debt or in the collateral, you raise the question of whether you have a new transaction or are still running out the old transaction. We had in Massachusetts people who didn't find out that there was a Code for about two years after it went into effect. They had been operating merrily under the old law. As long as there is no bankruptcy and people pay their debts, you can get away with that. It was something of a shock to them, however, when they found out that they had entirely invalid security arrangements during that period. There are other people who let things run out under the old law even where they had things like inventory or accounts receivable with shifting debt and shifting

collateral. I don't know of any great disasters that happened to these people, but it always seemed to me to be a hazardous way to operate.

While I am on this change-over problem, I would remind you that you do have to file in the office specified in the Code effective March 31, 1968. I hope that somebody in Mississippi has made or will make contact with the Secretary of State. It is a matter of some importance that the central filing system for the State in the Secretary of State's office get off to a good start. You have a problem getting standard forms, and you have a problem getting the filing mechanism started. The Secretary of State will need some little appropriation to get him going. I understand you have a legislative session before the effective date, so this can be accomplished. We went through this in Massachusetts and were very happy with what happened. A little advance planning simplified everybody's problem. Everybody was scared to death of what would happen come the effective date. Pre-filing was the solution. Everything could be sent in about a month ahead of the effective date. Everything was processed and dated 9:00 A.M. on the effective date. You were on record, there wasn't a great lag in the filing system, and people could find the records they sought. This is something that takes some advance thought on the part of someone.

You will have some little problem as to fixtures. They have to be fitted in somehow to your real estate system so that the records are kept in a way which is useful. The Code does provide for filing with respect to such transactions as personal property transactions, in the place where you would go if you were searching the titles of the real estate.

Article 10 is titled Effective Date and Repealer. The Mississippi Code, section 10102, is the specific repealer. It's got a list of A through Z of statutes repealed, and it's a fairly impressive list of Mississippi statutes. Included are a number of major Uniform Commercial Acts put out by the Commissioners on Uniform State Laws in the same way that the Code has been. Statutes on bank collections, bulk sales, chattel mortgages, conditional sales, factor's liens, assignments, and accounts receivable are replaced. In addition to that you have new statutory coverage of certain matters about contract formation, for example, a contract for the sale of goods. You have new statutory coverage of letters of credit, and you have some new evidentiary and procedural provisions. In general they tried to keep procedure out of the Code, but you can't quite do that consistently because the old statutes had a certain amount of procedure in them. So you will find that there are some provisions to bear on the law of evidence and civil procedure.

You do not have in the Commercial Code anything in the way of

criminal provisions, fines and penalties, licensing or rate regulation. There is no administrator or any kind of government control. This is a statute designed to enable people to carry on their private business, not a statute of public enforcement. There is nothing on real property except where personal property is somehow associated with real property. You do have a fringe problem. In general the Code does not cover contracts for services. It covers sale of goods, loans of money, and various types of pieces of paper like promissory notes, checks, corporate bonds, and so forth, but not contracts for services. It does not, in general, cover evidence or procedure, although there are, as I say, some provisions that touch on that.

Now, that's the subject matter. I think at this point the most useful thing I can do for you is to tell you a little about where you find out about this if you need to know. What is the literature? The basic literature is the Code itself, and you can read it. It has a table of contents. You have an index to enable you to find things. Once you get the picture of how it is set up, it is not hard to work with. It will take a little practice. Now, in addition to that, you have in Mississippi a Summary of the Uniform Commercial Code for Mississippi Lawyers, published by Harrison and Company and Lawyers Co-op. Mr. Gibson Witherspoon was chairman of the committee that prepared it. It is a nice summary of novel features of the Uniform Commercial Code. I assume that the people who print your Mississippi Code will, in time, include the annotations to the Commercial Code the way they do with your regular statutes. In a good many states the Code annotations include decisions from other states. That's useful at least in the beginning when you don't have any decisions in your own state. We have Pennsylvania decisions going back to 1954, so there are precedents on some of the things that are in the Code. Massachusetts decisions go back to 1958. Still the basic material is the Code itself. There are official comments. West Publishing Company puts out a paper back edition for about six dollars, with the Code and the Comments. These are very helpful when you are trying to understand what the message is in the new statutory formulation.

I use—but don't recommend—two volumes put out by the Uniform Laws Annotated. Edward Thompson is the publisher. It includes the Code, the official comments and decisions annotated from all the states, including the statutory variations. There are always minor improvements made when a statute this size goes through a state legislature. Commissioners on Uniform Laws, of whom I am one, resist this, but sometimes if you want the bill to go through, you had better give Senator So-and-So his amendment. All of those non-uniform amendments are in this Uniform Laws Annotated Uniform Commercial Code.

Of course the pocket parts get thicker and thicker as times goes on.

Some books you might find helpful are:

Duesenberg & King, *Sales & Bulk Transfers* (1966) (well detailed)

Gilmore, *Security Interest in Personal Property* (1965) professorial but authoritative, Gilmore is the draftsman of Article 9)

Coogan et al, *Security Transfers under UCC,* published by Matthew Bender.

The above are technical and expensive; for a more informal approach I suggest:

Funk, *Banks and the UCC* (1962 ed.) published by Philadelphia Clearing House Association.

Two loose-leaf services deserve mention:

Stholman Preston Scott, *CCH Installment Credit Guide UCC Reporter,* Callahan & Co. publisher.

I haven't made a fair beginning on what the Commercial Code will do. I think I can in a few minutes deal with a couple of general things which may be useful. One is the geographical scope of the Code. This is referred to in your Mississippi summary. Basically, the Code does not try to spell out in detail all the things that happen in choosing which state's law you use in transactions that have contracts in more than one state. It does, however, grant permission to agree on any law which has a reasonable relation to the transaction. This, I think, is the thing a good many people haven't taken advantage of. It's good for a thing like sale of goods, where you are talking about rights between the parties. It is not good when you are talking about rights of third parties. You can't agree that you won't file where people would naturally look, that you will file off in Timbuktu somewhere. That agreement will not help you. There are specific provisions about where or which laws you look to when you are dealing with the rights of third parties and particularly on filing problems under secured transactions. These are rather detailed provisions. There may be complicated cases where you won't come out with an answer, but in the great bulk of cases you get simple and straight-forward answers. Of course, aside from the filing problem, choice of law becomes much less important now that we have forty-nine states, the District of Columbia, and the Virgin Islands all having for the most part the same law. You still have problems to some extent with Louisiana, the hold out. We have hopes that we are going to get an enactment in Puerto Rico. They have the thing translated into Spanish, and that's the first step. If it gets passed in Puerto Rico, maybe somebody in Louisiana will be a

little embarrassed about the notion that they can't do it because of their ancient French tradition.

There is one thing about the effective date which I should mention to you. We have had this experience in a number of states. If the Code has been enacted, but the effective date hasn't arrived, yet a case involves a question on which there is no square precedent in the state, and on which the Code provision is arguably a restatement of the Codification of Common Law Principles, there has been a tendency to use this in argument and in decision. There are a number of decisions in various states saying that the Code is entitled to be used as a re-statement of the law. I am not suggesting that you should do this; I am just suggesting it might be done to you. It has been done and it is sometimes a little surprising to people. It's a perfectly sensible thing. The comments of the Code may surprise some of you, if you look at them. Professor Carl Welch, Chief Reporter for the Code, theorizes *Williston on Sales* amounted to the unconstitutional delegation of power in one man because the courts just took whatever *Williston on Sales* said as being the law of sales. He said if you are going to recodify this law, you have got to have your comments not written later on in a private book, but before the bodies which were discussing and reviewing the statutory text. His theory is that anything that is legitimate in *Williston on Sales* is a legitimate thing to put in the comment on the Uniform Commercial Code. He was trying to provide that as a substitute.

This extension of the Code, using it as a re-statement and so forth, brings us to the use of the Code by way of analogy. If you have a rule stated in the Code for the sale of goods, and you have a problem as to what is the rule in a similar situation on a sale of stock or a sale of a comic strip or something else that is not goods, may not the same rule apply? There is now authority—there was under the Uniform Sales Act —and there is now under the Code—that uses these principles and carries them beyond their statutory force. This again is using the Code as a source of law, not as a statute, but as a re-statement. We have some decisions around the country where this was done before the Code had been enacted.

I will close with three major principles that should reassure you a little. One: The cardinal principle of the Code is freedom of contract. It is a provision as to how people are free to make contracts. Most of the provisions of the Code can be set aside if the parties to a transaction agree to a different rule. That's not true as to certain things. You can't agree that fraud is all right in this transaction, "I don't mind if you cheat me." That won't work. It goes a little further than that where the Code lays down rules requiring due care. You cannot by agreement

say, "No, you don't have to use due care." The obligation of good faith, reasonableness, and care is laid down in the Code, and it cannot be disclaimed by agreement; but even there you can lay down standards as to what will constitute good faith or due care.

The second major principle is uniformity. There are a number of aspects to that. Of course, the whole movement to get the Code enacted was an attempt to make the law generally the same across the United States. We have generally done that, I think. The problem of keeping it uniform is probably the reason why people invented the Uniform Laws Annotated. So people would know about decisions of the other states, I have participated in a thing I regard as very dangerous. We have invited people to use the permanent editorial board for the Code. A lot of judges around the country have sent requests for briefs. We have written a few of those briefs amicus curiae. We have been pretty cautious about it. Think how you would feel if it were your case and these do-gooders were explaining to the court why you should lose it. But on some things that went to the heart of the major practice that has grown up, we have felt free to submit briefs amicus curiae. And, if I may say, we have been fairly persuasive. It's nice to have the Commissioners on your side.

The third consideration is that this is not an exhaustive code in the sense of the French or German civil code, designed to cover all the law. The third section, 1-103, says that in matters not covered by this Code, one looks to the law of merchants, the common law, and so forth. Like the Negotiable Instruments Law or the Uniform Sales Act, the Uniform Commercial Code does not try to make a whole new start. What it does is to state some rules, to leave a lot of the rest to agreement. Omitted matters are to be governed by the pre-existing law.

That's a very quick once-over-lightly on the Uniform Commercial Code. Those of you who need to know have some time between now and March 31, 1968, and I will renew my reassurance that the world will go on on March 31, 1968, and thereafter, and probably not very many people will be hurt.

Mr. Robert C. Cannada introduced Associate Justice Stokes V. Robertson of the Mississippi Supreme Court who delivered the following address.

RECENT CHANGES IN MISSISSIPPI SUPREME COURT RULES AND PROCEDURE

Stokes V. Robertson, Jr.

It has been suggested that I talk on recent changes in the Rules of the Mississippi Supreme Court, and also, our procedure in assigning

and deciding cases. I think that it would give you a psychological lift and be much more enjoyable if I would style my talk "How To Win Your Case in the Mississippi Supreme Court." Of course, my talk will be the same, but such a title would pique your interest in the hope of garnering some gems of wisdom along this line.

The recent and rather radical change in Rule 7, adopted May 16, 1966, enables the judges to read and study the record and briefs and to become perfectly familiar with the principal issues involved before oral argument. This will make oral arguments much more meaningful and helpful to the court.

New Rule 7 provides in part:

> Immediately upon receipt of the record, and for the convenience of attorneys, the Clerk shall notify counsel of the filing of the record and the due date of briefs in accordance with this rule. However, failure of the Clerk to give or of a party to receive notice of the filing of the record shall not excuse any delay in filing briefs.
>
> Appellant's brief shall be filed not later than forty days after the date the record is filed in the office of the Clerk of this court.
>
> Appellee's brief shall be filed not later than sixty days from the date the record is filed in this court, and any rebuttal brief of appellant shall be filed not later than sixty-five days after the record is filed herein.
>
> . . . .
>
> Each case shall be considered at issue after the due date for filing of briefs has expired, and is thereafter subject to being set for oral argument and submission at any time in the discretion of the court in accordance with Rule 9.
>
> If the appellant fails to file his brief within the time herein required, his case shall be dismissed on motion of appellee or on the court's motion; and any case so dismissed shall not be re-instated except as provided by Rule 18. If the appellee fails to file his brief within the time herein required, such brief shall be stricken from the record on motion of appellant or on the court's motion. For the purpose of enforcing the foregoing, the Clerk shall advise the court of any delinquency in filing briefs.

Of course, we realized that this radical change might work a hardship on some attorneys where cases appealed by them had become bunched on our docket, so for the remainder of 1966, we were rather lenient in granting extensions of time for the filing of briefs. That period of transition has passed, and we are inclined to enforce this rule rather strictly now.

This change in Rule 7 necessarily caused changes in other Rules. New Rule 6 on Assignments of Error provides that the appellant shall file an assignment of error on or before the due date of appellant's brief

as provided in Rule 7. This means that an Assignment of Error must be filed not later than forty days after the record is filed with the Clerk. This is a good time to invite your attention to an old provision of Rule 6 which was brought forward in the new Rule. That provision is:

> No error not distinctly assigned shall be argued by counsel, except upon request of the court, but the court may, at its option, notice a plain error not assigned or distinctly specified.

We are applying this rule rather strictly.

Another change that has proved very helpful to the court is the practice of hearing of oral arguments on three mornings rather than all day Monday.

Instead of hearing oral arguments all one day, the cases before that panel are divided into three groups and arguments are heard on Monday, Tuesday, and Wednesday mornings only. On Monday afternoon we discuss, consider, and try to decide the cases which have been orally argued that morning. The same procedure is followed for cases heard on Tuesday morning and Wednesday morning.

We feel that this procedure has worked to the advantage of litigants, lawyers, and judges. By closing time Wednesday afternoon we have usually reached decisions in all cases on our docket for that week whether orally argued or submitted on briefs. Of course, unless the panel is unanimous on the decision, there is no majority and that case must go before the entire court for decision. However, the new procedure has resulted in a much more prompt discussion and disposition of these cases by the entire court.

Perhaps you have been curious as to how each judge gets his cases. We draw them strictly by lot. We have no specialists to whom cases in particular fields are assigned. About six weeks before the twelve cases assigned to the panel for a particular week are argued or submitted, each judge on the panel draws first for position. The judge drawing the number 1 or number 2 position draws three cases instead of two. I don't know whether it's because I haven't been living right or what, but it appears to me that I draw the no. 1 or 2 position with monotonous regularity. I sometimes feel that the law of averages is not working for me. Each of the twelve individual cases is listed by number only on a separate slip of paper. We draw according to our numerical position until all twelve cases have been drawn. The record and briefs in each case are then delivered to the judge drawing that case, and he thus has about six weeks before the case comes up for oral argument to sandwich the reading and study of the case between his other work. When you appear before the court for oral argument, the record and briefs in your case have been carefully read and thoroughly studied by

at least one judge. Some of you have asked whether you should state the facts or confine your oral argument to the law. You should always state the facts because only one judge of the five has read the record and briefs.

I might say here that there is also a check judge for each case, and after the drawing judge has stated the case and his conclusions to the panel, the check judge reads and studies the briefs and, if he considers it necessary, the record in that case.

I wish that each of you could sit in on one of our panel discussions and personally note the full consideration we give to each case. I think that you would go away perfectly satisfied that you have surely had your day in court and have enjoyed "due process" in its finest form.

There are two stories that have made the rounds and in the telling, I am sure, have been embellished and embroidered. These stories purportedly demonstrate that we do not read the record or the briefs. It is said that the late H. Chalmers Alexander pasted together the outer margins of two pages of the record. After he had lost his case in the Mississippi Supreme Court he checked the record. The pages that had been pasted together were undisturbed and still holding fast to each other. The other story, I believe, is attributed to Honorable William Harold Cox, our esteemed United States District Judge. Judge Cox had the brief of a particularly important case printed. In several places the outer edges of pages were not cut nor the pages separated by the printer. Judge Cox purposely left his brief in that shape. After he had lost his case, he checked the brief filed by him. The pages were still in their original status, uncut and unmarked.

Our answer to that indictment now is to invite you to thumb through the record and briefs and notice the red, black, and blue pencil marks throughout; I think the presumption would be overcome and the burden of proof met that the record and briefs have been carefully read and studied.

When I became a member of the court, I was amazed at the amount of time, thought, and study given to the decision of a case in an en banc conference. Time is certainly not of the essence in an en banc conference. Many times we have taken a half day, and not infrequently a full day, to discuss and decide one case. If you could be with us in one of these conferences you would note particularly how earnestly and sincerely, and sometimes heatedly, each judge from the lowest on the totem pole (that's I) to the highest, the Chief Justice, presents his views. There are no timid, reserved, or reticent judges on our court. I have found every one of them intellectually honest, perfectly sincere, and, of course, when they disagree with me, stubborn and opinionated. One thing about it though, when we walk out of the en banc conference no

matter how strong and heated the discussion has been, we are friends again and ready to move on to other things.

The experience of the present court is wide and varied. Three members came from the Chancery Bench, two from the Circuit Bench, and four directly from the active practice of the law.

In passing I might mention some other rules which might be of interest to you.

Rule 14 requires that any suggestion of error must be filed within fifteen days after a decision is handed down on the merits or on a motion. No reply to a suggestion of error will be filed unless the court calls for one. No suggestion of error will be sustained to the prejudice of the adverse party until he has been given an opportunity of replying thereto. After a suggestion of error has been sustained or overruled by the court no further suggestion of error shall be filed by any party.

Rule 16 provides that no motion will be considered until the opposite party shall have had at least three full days notice by mailing or delivering to such party a copy of the motion and brief in support thereof. The respondent to such motion may file an answer and brief. Movant shall file with his motion a brief in support thereof, and if no supporting brief be filed, such motion shall be dismissed; and no motion once disposed of or dismissed shall again be heard.

Rule 18 provides that no cause that has been dismissed for any reason shall be reinstated unless a sworn motion is filed within fifteen days of the dismissal setting forth probable error in the proceedings and good cause for reinstatement.

Rule 19 provides that all motions to retax costs, to allow or disallow five percent damages on appeal, or to correct judgment shall be filed within thirty days from the date of the handing down of the opinion. There shall be appended to every such motion a certificate of counsel that he has personally read the original or a copy of the judgment in question and that the relief sought by the motion is not already contained in the judgment. The clerk shall not file any such motion unless such certificate is appended.

I would call your attention to the recent amendment of Rule 27 which outlines the requirements that must be met before an out-of-state attorney can file a brief or argue a specific case in the Mississippi Supreme Court. This amendment will be of particular interest to those of you who have been called in as an associate by an out-of-state attorney where such attorney expects to make the main argument before us. As to an out-of-state attorney appearing in a specific case, Rule 27 provides:

> Upon motion duly filed with this court supported by proof

that an attorney is a member in good standing of the highest court of another state and that, under the rules of comity of such state, attorneys of Mississippi are similarly permitted to appear in that court, attorneys of other states may be permitted to appear in a specific case in this court, provided the motion for such appearance has been made and granted prior to the filing of briefs in the cause. Such proof may consist of a certificate from the clerk or a justice of the highest court of the attorney's state of residence stating when such attorney was admitted to the bar of that court and that such attorney is a member in good standing of the bar of that court, together with a copy of the pertinent rule or statute as to comity.

Rule 37, which was approved on February 16, 1965, provides for the appointment of counsel for indigent appellants in certain criminal cases. This rule provides in part, as follows:

(a) Where an appeal is taken to the Mississippi Supreme Court by a person convicted of a felony, and he is not represented by an attorney, and the existing record does not disclose whether appellant intelligently and competently waived the appointment of an attorney in this court, the court may request the trial court or the trial judge in vacation to determine (1) whether appellant is indigent and unable to employ counsel; (2) if indigent, whether he desires counsel to be appointed for him; and (3) if he does not desire counsel, whether he intelligently and competently waives the appointment of counsel on appeal in the supreme court.

A transcript shall be made by the court reporter of the hearing on these issues before the trial court or trial judge in vacation, and such transcript and the order of the trial court or trial judge shall be certified to this court and shall be made a part of the record on appeal. If the trial judge or this court determines that appellant is indigent and is entitled to the appointment of counsel on appeal, and that he had not intelligently and competently waived the same, the trial court or trial judge in vacation shall appoint counsel to represent appellant on his appeal in accordance with the provisions of Mississippi Laws of 1964, chapter 357. (eSction 2505, Miss. Code of 1942, Supplement, 1966).

(b) In the event this court so directs, the trial court or trial judge in vacation may determine all issues of fact which may arise out of any appeal submitted to the trial court or judge for its or his determination, and which may be necessary for the disposition of cases on appeal to the supreme court, in accordance with the authority vested in this court by Section 1960, Miss. Code of 1942 Ann. (Recompiled, 1956)

On January 25, 1966, we added Rule 38 to the Rules of the court. This rule sets up the procedure for application for leave to file petition

for writ of error coram nobis under Mississippi Code Annotated Section 1992.5. This rule is as follows:

> Every application for leave to file in the lower court a petition for writ of error coram nobis shall have attached the original and two executed counterparts of the petition proposed to be filed in the lower court, which shall be sworn to by petitioner. Petitioner's affidavit shall designate specifically what facts, if any, alleged in the petition are within the personal knowledge of petitioner. When the petition contains allegations of fact not within the personal knowledge of petitioner, it shall have attached affidavit or affidavits of some other person or persons having knowledge of the facts which are not within the personal knowledge of petitioner. The failure to attach such affidavits of persons other than petitioner may be excused upon good cause shown. The petition shall state when the facts relied upon for issuance of the writ came to petitioner's knowledge, and shall state sufficient facts to show that there was no want of reasonable diligence on the part of petitioner or his counsel. The petition shall be endorsed by a statement by petitioner's counsel, if any, that he believes the petition for writ of error coram nobis is well taken, and should be issued. The application shall be supported by a brief, and failure to file a supporting brief may be ground for dismissal. In the event leave is granted to file the petition, the original and one executed counterpart of the petition shall be withdrawn and filed in the lower court.

We've been talking about our rules with reference to the submission of your problems to us. Now I want to chat with you about one of our problems which is increasing year by year. It is the number of cases being appealed to the supreme court. With each passing year the work load gets heavier, and yet as judges we have reached our maximum capacity to intelligently study, consider, and decide cases and turn out opinions. This past term of court each judge has averaged forty-two cases decided. The national average is considerably below that. The increase for the 1966-1967 term of court over the 1961-1962 term was thirty-five percent for civil cases and fifty-nine percent for criminal cases. The complexity of the issues involved has increased considerably during this period. The average size of the records has probably increased fifty to seventy-five percent in recent years.

After adjournment on June 12, 1967, there remained on our docket 151 cases consisting of 110 civil cases and 41 criminal cases. It is estimated that in June, July, and August, one hundred additional cases will be filed which means that when the court reconvenes in September, its docket will contain 250 cases. During the 1961-1962 term, 369 cases were decided on the merits; during the 1966-1967 term, 377 cases were decided on the merits. I want to emphasize that the size of the records

has greatly increased, and the issues have become more complex with the passing years.

This still does not present the whole story. In addition to 377 cases decided on the merits, as a court we have disposed of approximately 250 motions, petitions, and suggestions of error. Frequently the issues involved in motions and petitions are complicated and require a great deal of discussion. We have spent a half day and in some instances a full day in disposing of a motion, petition, or suggestion of error. These figures do not include about 200 motions of an administrative nature which are handled by the Chief Justice and the Presiding Justice.

Mississippi is one of fourteen States in which the number of appeals decided by the state court of last resort exceeds three hundred per year. All of the other thirteen States with comparable work loads have intermediate appellate courts, at least one law clerk per judge, and an individual secretary for each judge. In February of this year we moved up to five law clerks for the nine judges, and seven secretaries for the entire court.

When this problem was brought to the attention of the Mississippi Bar, President Armstrong immediately appointed a special Supreme Court Study Committee to look into it, and that committee, as I understand it, will have some definite recommendations to make to you at this annual convention.

We have always received the whole-hearted help and cooperation of the Mississippi Bar in solving our problems, and we are deeply appreciative of your sincere interest and help in the past. We know that with your continued interest and help in the future, we'll solve this problem of an ever increasing work load for the court.

I have enjoyed very much talking with you about our rules and about our problems, and if there are any questions that you might have about how to win your case in the supreme court, I'll be glad to try to answer them in the few minutes remaining.

Mr. Will S. Henley of Hazlehurst introduced Judge J. P. Coleman of the United States Court of Appeals for the Fifth Circuit who delivered the following address.

APPELLATE PROCEEDINGS IN THE UNITED STATES COURT OF APPEALS

J. P. Coleman

I shall not long detain you, but I must pause long enough to express my grateful appreciation for this most generous introduction by one who

through the years has been a most partial and highly esteemed friend, and also I want to tell you what a genuine pleasure it really is once again to be associated with you in a meeting of the Mississippi State Bar. It summons up many delightful memories of great men—judges and lawyers —whom I have known and with whom I have been associated in that profession which I love above all others for exactly thirty years this year. I cannot stop now to name and to pay my tribute of respect individually to the great lawyers and the good judges I once knew on this scene. I simply want to say that with me they are not forgotten, nor shall they ever be. Their wisdom, their great legal ability, their experience, their example, can never be anything but an inspiration for such time as I shall have left to me in the legal world.

Moreover, as I have often said on other occasions and in connection with other matters, the great talents with which Mississippians have so bountifully been blessed are not all in the cemetery. Many are with us today, for which we are thankful. I delight saluting you, even as I convict myself of having reached that age and experience when it is often much easier to look to the days long gone than to those which lie ahead.

I was requested to speak today on the subject "Appellate Procedures in the United States Court of Appeals." I shall adhere rather closely to the assignment; however, I do not think my remarks would be of any particular value if I were simply to read the rules of the Fifth Circuit, which you can do for yourselves, and which you often have already done.

I have thought that it would probably be more interesting, and likewise of considerably greater value to you, if I should speak of those aspects of the court, its membership, and its operations not found printed in the rules or in the textbooks.

You already know, of course, that as to appeals pursued as a matter of right, the Circuit Court of Appeals is the Federal Tribunal of last resort. From that court there is no further appeal as a matter of right, although the Supreme Court may be asked by writ of certiorari to review our decisions. You are no doubt familiar with the general basis of our appellate jurisdiction which is to be found in Title 28, Section 1291 of the United States Code. The Court of Appeals shall have jurisdiction of appeals from all final decisions of the District Courts of the United States except where a direct review may be had in the Supreme Court. We not only review the final decisions of the United States District Courts, but there are instances in which we may review the granting of a preliminary injunction. We directly review orders of the National Labor Relations Board and other federal agencies as Congress has provided or may provide. We do not review the judgments of three-judge district courts. The appeal from those courts is directly to the Supreme Court

because a special three-judge federal court has jurisdiction only to pass on the constitutionality of Acts of Congress or of the legislatures of the various states.

Under the All Writs statute, each circuit judge has the power in his discretion to grant writs of habeas corpus, stays, injunctions, and such other writs in about the same fashion as exercised by judges of the Supreme Court of Mississippi. Out of proper regard for judicial restraint, this power is most sparingly exercised. It is almost never used until the parties have first exhausted their remedies at the District Court level and then only to prevent what appears to be an evident miscarriage of justice or irreparable injury.

In the United States we have eleven United States Courts of Appeals, including the District of Columbia. The Fifth Circuit embraces the states of Texas, Louisiana, Mississippi, Alabama, Georgia, and Florida. New Orleans is the capital of the court. We are presently temporarily housed at 400 Royal Street, in the city of New Orleans, and it is my best guess that probably another five years will elapse before we may expect to be housed in new quarters. The court sits in Fort Worth, Houston, New Orleans, Jackson, Montgomery, Atlanta, and Jacksonville. Only two of these places are required by statue, New Orleans and Fort Worth, but the practice has grown by which we convene in the other cities by order of the Judicial Council of the Circuit, the times being prescribed by the Chief Judge.

We now have twelve active judges on the court and three judges who have retired from active service but who nevertheless continue to carry at least half a normal load of work. There is one vacancy. The turnover in personnel due to retirements and the four members added by Congress in 1965 has been such since I was sworn in on August 16, 1965, that I now stand seventh in seniority on a thirteen-man Court. The judge longest in active service and under seventy years of age is the Chief Judge of the court. On July 13th, Chief Judge Elbert P. Tuttle will attain the age of seventy and will be succeeded as Chief Judge by Judge John R. Brown, of Houston, Texas.

As you know in cases of great importance [I do not use the exact legal terminology here] the court sits en banc, that is with all judges present and participating. This does not happen often. I recall only three or four cases that were considered en banc during the court year beginning September 1, 1966 and expiring July 1, 1967. The result is that nearly all litigation coming to the court is submitted to panels of three, and the judgment of that panel is the judgment of the court unless the full membership for some reason acceptable to it (which rarely happens) agrees to review the judgment of the panel en banc. To those of you who feel dissatisfied with the judgment of a panel I will call

your attention to our new Rule 25(a) which spells out the procedure by which an unsuccessful litigant before a panel may seek the review of the entire court. Candor compells me to say, however, that it is only upon the most cogent considerations that an en banc review is granted; otherwise, the panel system would be destroyed, and the court would largely be paralyzed in its efforts to expedite the adjudication of its exceedingly heavy load of appeals.

Working in panels of three, each judge is expected to sit one week out of the month for nine months of the year. During that week he will hear four cases a day for five days, allowing thirty minutes to the side for the four arguments a day.

After argument the judges confer, vote on the disposition of the case; and the senior judge, who presides, assigns the opinion.

We then spend the remaining three weeks of the month in our home offices preparing our opinions. When an opinion is completed, a copy is forwarded to the other judges. If they agree with the opinion, they note it in writing on the face of the opinion. If they disagree, they file their dissent. The writing judge then files the opinion with the clerk of the court, who publishes and distributes it. Petitions for rehearing are handled in the same manner.

I pause here to say that during my active practice I never argued a case in the Court of Appeals. I always felt that I could state my position more clearly and more emphatically in the written brief, and thus it was not necessary to consume the time of the court in an attempted verbal repetition of what had already been said in writing. Since coming to the court, I have learned that the better practice is to argue your case. The briefs will be fully studied, but the judges like to be able to propound questions to counsel which they think go to the heart of the case. Thus an argument is more helpful to the court than the brief alone.

The briefs are always read in advance of argument, so it is not necessary to spend much time in discussing the facts.

The opening of the ideal argument in the Court of Appeals would run something along this line: "May it please the court, my name is John Jones. I am from Jackson, Mississippi. I understand the court has already read the briefs and it is generally familiar with the facts of the case, so I shall generally discuss only those facts which I consider relevant to the legal question raised by this appeal, etc." This does not mean that one must be stingy with his facts, but having read the briefs it is useless to reiterate details which are irrelevant to the disposition of the legal issue on which the appeal must stand or fall.

This seems to be a good place to remind you that, generally speaking, one cannot expect to reverse the lower court on a factual issue. The

Seventh Amendment to the United States Constitution provides, "No fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law." In the federal system this means that we cannot and do not reverse jury verdicts because they are against the great weight of the evidence or because we feel that, to use an expression often utilized in state courts, the verdict evinced passion and prejudice on the part of the jury. We can reverse only if there is no competent evidence, or inference reasonably to be drawn from that evidence, to support the jury finding. And once a jury returns its verdict on a factual issue on which the jury has been properly instructed on the law, that finding is final and will stand throughout the future course of the litigation, regardless of how many trials may be necessitated by errors of law.

The findings of fact made by a district judge, sitting without a jury, can be reversed only if they are clearly erroneous, and to support this result we must have a firm conviction that a mistake, in fact, has been made.

This is also a good time to remind you that when the trial judge instructs the jury he is required by the rules, out of the hearing of the jury, to give you an opportunity to object to any portion of the charge. If you do not do this and make a complete record of it, it is ordinarily useless to complain on appeal.

We can and do consider a plain error which obviously changed the outcome of the case, but plain error is a rare occurrence and offers very little opportunity for comfort to an appellant.

I cannot too strongly urge the overpowering value of a good brief and thorough preparation for argument on appeal. The reported cases in the Supreme Court of the United States now number 385 volumes and we are well into volume number 386. The reported decisions of the United States Courts of Appeals now number 668. A judge would be a miracle man, indeed, if he could personally be conversant with such a great mass of law, in addition to all the other law his duties require him to consider. For example, in diversity cases, under *Erie v. Tompkins,* we are bound by state law. Thus, we have to keep and consult the reported decisions of the courts of last resort in six states. It is my considered view that diversity jurisdiction, which exists only by Act of Congress, could well be abolished. The real necessity which once existed in that regard is now really non-existent. The state courts of last resort are bound to be in much better position to decide the law of the state than is the federal court, encompassed as it is with all the many issues appropriately belonging primarily to its jurisdiction. For example, I recently had occasion to decide a hotly contested case governed by the law of Florida. There was no Florida precedent directly in

point. I took such Florida case law as we did have and prepared an opinion in which my fellow Judges concurred. In another case in just a few short months the appellate court in Florida decided exactly the opposite to what we had written. It is useless to argue about which of the opinions was correct. The declaration of the Florida court was due to prevail, and after wasting much work and consideration we were compelled to grant a rehearing and overrule our prior decision.

I am not able to say, although I am sure the statistics are available, just what percentage of our volume of business originates in diversity jurisdiction. I know that it is extremely high, and it has a good deal to do with the fact that the Fifth Circuit is now about one full year behind its calendar and seems doomed to remain so. Adding four new circuit judges will not remedy the situation, because it was necessary to establish fourteen new district judgeships and they will be more than able to generate enough appeals to keep four extra appellate judges busy.

Before I close I think as a practical proposition you would be interested to know that one judge on our court, and I do not know which one it is, supervises the makeup of the calendar for each sitting of the court. He does so without any knowledge as to which three judges will be assigned to the hearing and disposition of that calendar. Moreover, the Chief Judge in assigning the respective judges to any particular time and place does so in total ignorance of the calendar for that particular week.

Before court convenes on the morning of any particular day, counsel who are to argue are supposed to check in at the Clerk's office. The Clerk then makes up a calendar for the day, which not only tells the lawyers who the judges are on the panel, but also identifies counsel to the court.

Let me close by saying that the Court of Appeals is simply a court just like any other court. If you have an appeal which has merit, you can depend on a painstaking hearing. That hearing will no doubt be followed by considerable discussion, even argument, among the judges in chambers, and the argument may continue even in majority and dissenting opinions. This will be so, however, only if you thoroughly prepare your case and come to the court in position to make a contribution to the legal solution of the issues presented. If you are fully prepared, if you know the law and the facts in your case, do not be upset by sharp, even hostile, questions. The sharpness and the apparent hostility are designed to force out the best you have to offer for the benefit of the court. If you feel that a judge is wrong in some premise that he takes in a question which he fires at you, you are perfectly free to positively tell him so, so long as you do it with the respect for the

court that you would demand if you were occupying the Bench. You cannot be a "yes man" and successfully argue a case in the United States Court of Appeals. I am sorry to say that we hear many arguments which bear all the earmarks of faulty, inefficient, and deficient preparation. This is embarrassing to the lawyer and embarrassing to the court. On the other hand we hear many arguments which leave nothing to be desired and which are not only a high compliment to the lawyers who present them but likewise to the court which must hear them.

In conclusion, Gentlemen, I eagerly look forward to seeing you and hearing you, somewhere from Texas to Florida, in the Fifth United States Circuit Court of Appeals.

SECOND GENERAL ASSEMBLY

Friday, June 30, 2:00 P.M.

Committee reports were presented. Action taken on them is found in Appendix A. Judge Hugh Clayton introduced Mr. Earl Morris, President-Elect of the American Bar Association, who delivered the following address.

THE CRISIS AND CHALLENGE OF CRIME

Earl Morris

At the end of the recent football season there was a modicum of disagreement as to who was No. 1 as the supporters of Michigan State, Notre Dame, and Alabama each laid claim to the ranking. There is like disagreement when we ask what the No. 1 domestic problem is in the United States. But this much is clear—crime either is No. 1 or on a par with any other problem that can lay claim to this ranking.

The crime statistics are frightening. In the five-year period ending in December, 1965, all crime increased forty-seven percent, with murders eight percent, forcible rapes forty-one percent, robberies thirty-two percent, aggravated assaults forty-six percent, burglaries forty-two percent, and auto thefts fifty percent. In 1966 there was a further increase of ten percent, and even now the rate continues to rise. FBI figures for the first quarter of 1967 which have just been released show that the nationwide crime rate rose another twenty percent.

Alarming as well as disheartening is the prevalence of juvenile crime. From 1960 through 1965 one-third of all arrests were of persons under twenty-one. Fifty-two percent of the arrests for burglary were of children in the ten through seventeen age group. During this period

the population growth of persons under eighteen was seventeen percent but the arrest of such juveniles increased fifty-four percent.

Last February the President's Commission on Law Enforcement and Administration of Justice made its report, appropriately entitled *The Challenge of Crime in a Free Society.* It should be required reading for every citizen, certainly for every lawyer and judge, in our country. It sets forth the sordid facts on crime, it discusses causes, both underlying and immediate, and, above all, it contains recommendations for the prevention and control of crime.

It is not hard as one reads the report to envision the role of the lawyer and the organized bar in the war on crime. A step was taken last month to bring this role into sharper focus. The Attorney General of the United States, in cooperation with the American Bar Association, convened the Lawyers Conference on Crime Control. It was attended by bar leaders from all over the United States. It is my sincere hope that it will have served as the opening gun in the effort of the organized bar to implement the recommendations of the Crime Commission. As the program unfolded and we heard the problems stated and the solutions discussed, two facts became increasingly clear:

1) the role of the organized bar and of every individual lawyer in the war on crime is vitally important; and
2) the need for action—*now*, without delay, without hesitation—is imperative.

The bar has, I suggest, a dual responsibility. Lawyers have particular expertise with regard to the recommendations concerning courts and the administration of justice. Our first task is to bend our efforts to bring these to fruition. Our second is to give leadership to broad public involvement in the attack on crime.

The Commission recommends that we strive to bring to reality the essential steps for the modernization of our courts—the abolition or overhaul of the justice of peace courts that exist in many states; the establishment of unified court systems; substituting judicial for legislative rule-making power; improving the administrative control of our courts; and improving our methods of judicial selection and tenure and for the disciplining and removal of judges. I suspect that most of you have thought of these suggested reforms in connection with the civil side of the court. It is evident upon a moment's reflection that they are equally applicable to the criminal side. Better judges, given sharper tools with which to do their task and removed as far as possible from the political arena, and the availability of simplified methods for disciplining or removing the judge who does not measure up to the standards that may reasonably be required of him are some of the reforms. The

achievement of these objectives will advance all justice, criminal as well as civil.

The Commission's recommendations with respect to the courts go beyond these matters of broad judicial reform. They include bail reform, regularizing what is known as "plea bargaining," the establishment of assigned counsel and public defender systems, and providing training programs for prosecutors and defense counsel. Speaking of police courts the Commission says that:

> It has seen cramped and noisy courtrooms, undignified and perfunctory procedures, and badly trained personnel. It has seen dedicated people who are frustrated by huge caseloads, by the lack of opportunity to examine cases carefully, and by the impossibility of devising constructive solutions to the problems of offenders. It has seen assembly line justice.

It is plain that improving these courts should claim high priority.

The second role of the lawyer is marshalling public support and securing citizen involvement in the campaign against crime. It is abundantly clear that neither the bar, nor the police, nor any other segment of our citizenry can alone solve the problems posed by crime. An aroused public willing to take the steps necessary to prevent and control crime is the force which is essential to the task. If America is to meet the challenge of crime it must do more, far more, than it is doing now. It must spend time and money. It must recognize that the government of a free society is obliged to act not only fairly but effectively. It is here—in carrying this message, in securing action to these ends—that the leadership role of the lawyer becomes an imperative.

Aroused over a particularly brutal robbery in Indianapolis, thirty women in that city, representing a cross-section of the community, met to devise ways of making the streets safer, and out of the meeting arose an organization known as the Anti-Crime Crusade. This organization, which has no dues, no membership cards, no by-laws, and no minutes now involves some 50,000 women. It has stimulated the city to improve street lighting. It has secured jobs for young people, helped school drop-outs return to school, and involved thousands of adolescents in volunteer work for social service agencies and clinics. It has organized campaigns for cleaning up the slums. It has sponsored police recruits and campaigned for pay raises for policemen. It has observed the operation of the courts and publicized their shortcomings. It has helped parole officers with their work.

The Chicago Police Department has had much success with "Operation Crime-Stop," a campaign to involve citizens in the police effort. A special police emergency number that connects callers directly to a dispatcher has been established and widely publicized. Citizens are urged

to report suspicious occurrences and are given official commendation when they do report or help the police in other ways. While I was in Chicago recently, such a commendation was given to a cab driver who had directed the police to an apartment where a man was apprehended who later confessed killing a young woman during a purse snatching.

There must be more such citizens' organizations—in every state and every major city in this nation. The Commission's report calls for participation by business, by industry and labor unions, by religious organizations, by community and professional groups—in a word, by all of us—in the task at hand. Let it be the lawyers who take the lead in securing such participation and broad public interest.

There are some simple things the public can do to reduce crime. The Commission's report points out, for example, that the key had been left in the ignition or the ignition left unlocked in forty-two percent of all cars stolen. Last week I received a letter from the Department of Justice calling attention to the fact that sixteen percent of all stolen cars became involved in accidents which means that over 85,000 traffic accidents last year, many of them fatal, involved stolen cars. Enclosed with this letter was a folder describing the Department's National Auto Theft Prevention Campaign. Is it too much of a price to pay to make crime more difficult in this area for drivers to take their keys out of the ignition? Obviously the answer is "No" and, once again, the organized bar should be the leader in developing public consciousness of this fact.

In discharging the dual responsibility to which I have referred I see the function of the American Bar Association in this program as fourfold:

1) to study and where appropriate to support federal legislation such as the firearms control bill and the Safe Streets and Crime Control Act now in the Congress;
2) to coordinate the work of our Sections and Committees that have responsibilities in this field, the Sections of Criminal law and Judicial Administration and the Committees on Federal Legislation, Jurisprudence and Law Reform, and Judicial Selection, Tenure and Compensation;
3) to turn the spotlight on state and local bar association activity in order to create a national feeling of action and accomplishment, and
4) to give leadership on a national basis to the broad public efforts suggested.

I see similar functions for our state and local bar associations. It is clear that many of the Crime Commission's recommendations can be implemented only at the state and local level. Likewise, the ABA Committee on Minimum Standards for the Administration of Criminal Justice, after almost three years of study, has begun making its reports

on the various problems that it has considered. Four have been issued—Fair Trial and Free Press, Pleas of Guilty, Post-Conviction Remedies, and Appellate Review of Sentences, and some fifteen more are to come. Action on the recommendations they contain must in most instances be at the state and local level. The same is true of much of the needed legislation. And leadership, of course, is needed in our states, our cities, and towns even more urgently than on the national scene.

As to the ABA program I plan to ask the Association to make the implementation of the recommendations of the Crime Commission a primary objective of our program for the coming year. I plan between now and the annual meeting in August to prepare a "blueprint for action" which I will be prepared to lay before the Association at that time. I urge that you likewise consider the part the Mississippi Bar Association and the various local bars in your state should play in this effort. If during the year ahead we can cooperate in our endeavors and coordinate our programs, the lawyers' role in meeting the problem of crime will have had an auspicious beginning.

Speaking at the Lawyer's Conference on Crime Control President Johnson said:

> Reducing crime is a matter of great urgency for the people of this nation, and for your state, your city, your community, and in your own block. We must find better ways to secure their safety—to prevent crime, as well as to punish it—to preserve public order without denying private rights. Finding these ways will require cool heads and understanding hearts. For two hundred years that description has fitted the best American lawyers. I believe it still does. I know it still does.

The challenge is clear. Never has the legal profession had a greater opportunity for genuine public service. I give you the assurance that the American Bar Association will do its part; and I express to you my sincere hope—more than hope—I express my conviction and my confidence that the state and local bar associations will likewise do their part. Let the lawyers' answer to the call for action be clear and strong. Let it be worthy of the depth of the problem of crime and of the urgency for its solution.

Committee reports were presented. Action taken on them is found in Appendix A.

Mr. Joe Daniel of Jackson introduced Mr. John G. Gearin, President-Elect, Federation of Insurance Counsel, who spoke from the defense attorney's viewpoint. Then Mr. Jack Travis of Jackson introduced Mr. Al J. Cone, President, American Trial Lawyers' Association, who spoke from the plaintiff's attorney's viewpoint.

THIRD GENERAL ASSEMBLY

Saturday, July 1, 9:30 A.M.

Committee reports were presented. Action taken on them is found in Appendix A.

Mr. Orma R. Smith of Corinth introduced Mr. John W. Wade, Dean, Vanderbilt University Law School, who made the following address.

SOME RECENT CHANGES IN THE LAW OF TORTS

John W. Wade

Last year you were kind enough to invite me to address the Bar Association, and you selected essentially this same topic. But I was hard-headed and decided not to use a shotgun but to use a rifle. So I limited my talk to the one subject of products liability, and I discussed it at length.[1] Now you have decided to invite me again, and you have offered almost the same title. This must be a delicate hint that I should select several topics to treat this time, and I am ready to act accordingly and to offer some brief comments on five different subjects.

I.

The first is Defamation, the Right of Privacy and the First Amendment. We are here primarily concerned with the law of libel because most of the cases have involved newspaper and magazines. You will recall that if a statement is defamatory on its face it is actionable, and the defendant must then offer as an affirmative defense that the occasion on which the statement was made was a privileged one. The plaintiff can refute with the allegation that there has been an abuse of the privilege. The key word in connection with abuse of privilege is "malice," a word which is usually not interpreted in a purely literal sense and which has therefore proved a bane in the administration of the law of defamation.

One of the privileges which has long been recognized in the law of defamation is that of fair comment. This is discussion of public officials and public affairs, including things which are dedicated to the public, such as books, movies, television programs, and speeches. It has been agreed by all of the authorities that comments may be made on such matters. The majority rule is that such comment is privileged only insofar as it amounts to an expression of opinion and that a false statement of fact would not be privileged. There has been a very vigorous

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[1]*See* Wade, *Recent Developments in the Law of Torts,* 37 Miss. L.J. 514 (1966); State Stove Mfg. Co. v. Hodges, 189 So. 2d 113 (Miss. 1966).

minority opinion following a leading Kansas case[2] to the effect that in the criticism of a public official a false statement of fact may also be privileged, so long as it was innocently made. This was the state of the law at the time the famous case of *New York Times Co. v. Sullivan*[3] was decided by the United States Supreme Court in 1964. This case arose in Alabama, where a very large judgment was awarded against the *Times*. The Supreme Court held that the first amendment, prohibiting Congress from abridging the freedom of speech or of the press, would also apply to a civil action in a state court brought for defamation. Prior to this it had been assumed that the law of defamation was a matter of common law, and that the common law of defamation was not affected by the adoption of the first amendment. The Supreme Court essentially adopted as a matter of constitutional law the minority (Kansas) rule, to the effect that fair comment on public officials may be privileged even though it involves a statement of fact. Then the Court went somewhat further. It used that word "malice" in connection with the determination as to whether there had been an abuse of the privilege, but it defined it as meaning that the defendant must have made the statement either knowing of its falsity, or recklessly, careless of whether it was true or false.

Two Mississippi cases decided by the Mississippi Supreme Court prior to *Sullivan* were in accordance with the majority common law rule.[4] They were then taken to the U.S. Supreme Court where they were reversed on the basis of *Sullivan*.[5] Still later Supreme Court cases held that the *Sullivan* rule would apply to a prosecution for criminal libel[6] and to a minor public official.[7] But *New York Times v. Sullivan* still left open a number of questions and created a number of uncertainties—so much so, in fact, that it was found necessary in writing the *Restatement of Torts, Second,* to omit for the time being this part of the law of defamation and await further enlightenment from the Court. Would this rule apply only to public officials? Might it be extended to candidates for office? Might it be applied to all that was involved in the initial concept of privilege for fair comment? There was no way of telling for sure.

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[2]Coleman v. MacLennan, 78 Kan. 711, 98 P.281 (1908); *see* Noel, *Defamation of Public Officers and Candidates,* 49 COLUM. L. REV. 875 (1949).

[3]376 U.S. 254 (1964).

[4]Henry v. Collins, 253 Miss. 34, 158 So. 2d 28 (1963); Henry v. Pearson, 253 Miss. 62, 158 So. 2d 695 (1963).

[5]Henry v. Collins, 380 U.S. 356 (1965); *cf.* Reeves v. Foster, 191 So. 2d 423 (Miss. 1966).

[6]Garrison v. Louisiana, 379 U.S. 64 (1964).

[7]Rosenblatt v. Baer, 383 U.S. 75 (1966).

This year, however, the Court has rendered two more quite significant decisions. The first is *Time, Inc. v. Hill.*[8] It concerned not the law of defamation, but the law of unreasonable invasion of the right of privacy. This, too, involves the freedom of the press, since the right of privacy has as its main basis the publicity given to embarrassing facts about an individual. This was actionable under the common law, but did the first amendment affect this part of the common law too? The common law rule has always been that it is not an unreasonable invasion of the right of privacy to disclose newsworthy events, matters for the edification or proper entertainment of the people. The common law itself had thus been giving considerable weight to the values involved in freedom of communication.

In the development of the tort for the unreasonable invasion of the right of privacy it came to be held that an action would lie not only for the disclosure of true facts which were embarrassing but also for the publication of false statements which were embarrassing.[9] It was this last aspect of the tort which was involved in *Time v. Hill.* Based on a true occurrence in which some fleeing criminals had invaded a home and held the family prisoner for a period of time, a playwright wrote a play entitled *The Desperate Hours.* As the play was to open on Broadway, *Life* magazine published contrasting pictures of the family and of the actors, giving the implication that the events as portrayed in the play were the actual true-life events. The family sued in New York and recovered. *Time* appealed to the Supreme Court on the basis of the *Sullivan* case. The Court held the case for an additional year and finally rendered a decision to the effect that the rule of *New York Times v. Sullivan* applied. The Court held that there could have been no action for invasion of the right of privacy if the statements in *Life* had been true. Assuming that they were false, the *Sullivan* rule was held to require a showing that the defendant knew the falsity or acted recklessly. Mr. Justice Harlan argued that liability should be imposed in the case of a false statement whenever the defendant was negligent in failing to discover the truth of the statement, but he did not prevail.

The last case is *Curtis Publishing Company v. Butts.*[10] There were involved here two cases—Coach Wally Butts' action against the *Saturday Evening Post* and General Walker's action against the Associated Press. Both had won in the courts below, and the argument again was that the *Sullivan* case applied and required a reversal. Neither plaintiff was a public official, but they both were public figures. Should the doctrine of

[8]385 U.S. 374 (1967).

[9]*See* Wade, *Defamation and the Right of Privacy,* 15 VAND. L. REV. 1093 (1962).

[10]388 U.S. 130 (1967).

Sullivan apply to public figures and public events? Mr. Justice Harlan, in what purported to be a majority opinion, suggested that there should be a different standard in the case of public figures. The standard which he wanted to prescribe was that the defendant's conduct amount to highly unreasonable conduct, constituting an extreme departure from the standards of investigation and reporting ordinarily adhered to by responsible publishers. He was able to persuade three other Justices to agree with him, making a minority of four. Three Justices said specifically that the rule of *New York Times v. Sullivan,* requiring reckless conduct, must apply to public figures as well as to public officers. Two other Justices—Black and Douglas—who, even back in *Sullivan* had taken the position that the first amendment had completely abolished the whole law of defamation, sided with the three following the *Sullivan* rule for the purpose of deciding these cases. For the present at least a newspaper or magazine is not liable to a public figure for libel or invasion of the right of privacy unless the false statements were made with knowledge of the falsity or with reckless indifference.

The precise holdings in the two cases were that (1) the *Walker* case was reversed entirely on the ground that the Associated Press was clearly not reckless on the facts; and (2) the *Butts* case was affirmed on the ground that there was evidence that the *Post* had been reckless and the jury had found essentially to that effect.

A number of questions still remain open. Notice first that these cases all involved the press rather than the remarks of individuals. Will the same rule be applied to private gossip? Is it entitled to constitutional immunity? Does the constitutional immunity apply to all aspects of defamation or only to the privilege of fair comment? Will the single publication rule, now applied in many states, attain a constitutional sanction, or will this problem be left to the law of the individual states?

It may be significant that the Court has generally taken cases in which it could have been said with some reason that there was an abuse of the law of defamation—in which the suits were brought to punish the defendant rather than to obtain true compensation for actual injury, and an unduly large verdict resulted. Will the Court limit its granting of certiorari to cases of this general type? We must wait and see.

II.

My second topic is Torts and the Conflict of Laws. As most of us studied the subject of conflict of laws in law school, we found it an exercise in the process of logical reasoning. This was especially true

in connection with its application to the law of torts. Here the rule was that the law of the place of injury governed. The reasoning was the injury was the last element necessary to the creation of a cause of action; and the law of the state where that took place must necessarily apply. This was the holding, for example, in the famous Alabama decision of *Alabama Great Southern R.R. v. Carroll.*[11] There the negligent conduct had taken place in Alabama, but the accident had occurred in Mississippi. That was the place of injury; and the court held that Mississippi law must govern, regardless of the fact that Alabama may have been the state where the negligence occurred, the state of the domicile of the plaintiff employee, and the state of the employment contract.

In recent years there has been a good deal of writing in the field of conflict of laws with many of the writers taking the view that the law has become too rigid. Now there is indication that these writings have been having an effect on the courts.

Indeed, in the *Restatement of Conflict of Laws, Second*, which is still in the process of being completed, there has been a substantial change made in the conflicts rule for torts. Since this is not yet out in a final, bound form, and is available only in temporary form, I am quoting section 379:

> (1) The local law of the state which has the most significant relationship with the parties determines their rights and liabilities in tort.
>
> (2) Important contacts that the forum will consider in determining the state of most significant relationship include:
>
> (a) the place where the injury occurred,
>
> (b) the place where the conduct occurred,
>
> (c) the domicile, nationality, place of incorporation, and place of business of the parties, and
>
> (d) the place where the relationship, if any, between the parties is centered.
>
> (3) In determining the relative importance of the contacts, the forum will consider the issues, the character of the tort and the relevant purposes of the tort rules involved.[12]

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[11]97 Ala. 126, 11 So. 803 (1892).

[12]RESTATEMENT (SECOND), CONFLICT OF LAWS § 379 (Tent. Draft No. 8, 1963); *see also id.* § 379a, which provides:

> (1) When the actor's conduct and the personal injury occur in the same state the local law of this state determines, almost invariably, the rights and liabilities of the parties.
>
> (2) When the actor's conduct and the personal injury occur in different states, the local law of the state where the injury occurred determines the rights and liabilities of the parties, unless it appears that some other state has a more significant relationship with the occurrence and the parties, in which event the local law of the latter state will govern.

There are a number of recent cases which justify the new provision. Take, for example, the question of intra-family immunities. My wife and I left Tennessee and drove down here into Mississippi. Suppose we have an accident in Mississippi. Which state is most vitally concerned with whether she can sue me and recover from my insurance company—Mississippi, where the accident occurred, or Tennessee, where we live? The earlier, more rigid rule was that the law of the place of injury governed this as well as other matters. A number of recent cases, however, have held that on this issue, the domicile of the parties is the state of most significant relationship.[13] The same sort of choice can be made in the automobile guest relationship. Should it be the law of the place of injury, or the law of the place where the parties live and where they started their trip?[14] There are cases, too, holding that under certain circumstances the law of the place where the wrongful act took place may govern.[15]

In view of the strength of the trend toward the attitude expressed in the new *Restatement,* I should think that the chances are good that the Supreme Court of Mississippi will be ready to consider adopting this attitude.

III.

My third topic is Assumption of Risk and Comparative Negligence. Mississippi has long had a comparative negligence statute. There are other states which have a similar statute, but the one here is almost unique in the United States. It permits a plaintiff to recover, subject to mitigation of damages, even though his negligence was greater than that of the defendant. The statutes in other states usually provide that contributory negligence will bar the plaintiff's recovery if it is greater than the defendant's negligence, and that he can recover, in a mitigated amount, only when his negligence is less than that of the defendant.

I have personally always had the feeling that the Mississippi statute was a good one, and that it produced a fair and equitable result. There is only one suggestion which I might offer as to its modification. This is that its administration might be improved if a special verdict were called for, so that the jury would indicate both the full amount

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[13]*See, e.g.,* Balts v. Balts, 273 Minn. 419, 142 N.W.2d 66 (1966); Haumschild v. Continental Cas. Co., 7 Wis. 2d 130, 95 N.W.2d 814 (1959).

[14]*See* Clark v. Clark, 107 N.H. 351, 222 A.2d 205 (1966); Babcock v. Jackson, 122 N.Y.2d 473, 191 N.E.2d 279 (1963); *cf.* Williams v. Rawlings Truck Line, Inc., 357 F.2d 581 (D.C. Cir. 1965) (car ownership); Kuchinic v. McCrory, 422 Pa. 620, 222 A.2d 897 (1966) (airplane guest).

[15]*See, e.g.,* Schmidt v. Driscoll Hotel, Inc., 249 Minn. 376, 82 N.W.2d 365 (1957) (dramshop act).

of the damages and the amount of mitigation produced by the contributory negligence. This would serve two useful purposes. It would make the jury be sure to go through the proper procedure and be aware of precisely what it was doing. It would also give the trial judge and the appellate court an opportunity to see exactly what the jury did and to pass on the jury action with this knowledge. But it was not this that I started to talk about. I wanted to discuss with you a moment the place of assumption of risk in a state where the comparative negligence rule applies.

Assumption of risk is a rather strange doctrine. Many people think that it is a complex of three different ideas, and that the status of the law would be much clearer if it were divided or distributed to these three topics. The first of these is consent. We seldom talk about consent in connection with negligence, though we do use the term in connection with intentional harms. If there is true consent, and the agreement is not in violation of statute or public policy, the plaintiff should not be allowed to recover. The real question is whether there is true consent. Consent may be expressed or it may be implied from conduct; but the implied consent should not be a fictitious one, and the conduct ought to show an actual intent to agree to be subjected to the risk which the defendant created by his conduct.

The second idea is that of lack of duty on the part of the defendant. It is often said that a mere licensee assumes the danger found on the premises when he enters, and that he cannot recover for injuries sustained from a dangerous condition because of his assumption of the risk. A more accurate analysis is that the landowner owed the licensee no duty to use care to make the premises safe unless he knew of a hidden, dangerous condition. The real question here is whether the defendant was negligent, not whether, assuming his negligence, the plaintiff is barred from recovery by his own conduct. An infant, for example, might not be able to assume a risk, but if the defendant was not actually negligent, we do not get to that question.

The third idea is that of contributory negligence. It is here, I think, that the greatest amount of trouble has arisen. It is customary to say that there is a difference between contributory negligence and assumption of risk—that contributory negligence involves mere inadvertance (*e.g.*, running a red light because one did not see it), and assumption of risk involves venturousness or deliberate subjection of oneself to the danger (*e.g.*, intentionally running the red light). Is the distinction justified?[16]

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[16]*See generally,* Wade, *The Place of Assumption of Risk in the Law of Negligence,* 22 La. L. Rev. 5 (1961).

Let me call your attention to the fact that we do not draw such a distinction regarding a defendant's conduct. If we are trying to determine whether the defendant was negligent or not, it makes no difference whether he ran the red light because he did not see it or because he did see it and decided to take a chance because he was in a hurry. Take another example. Suppose a driver starts to pass a car on a two-lane highway, though he sees another car coming in the left lane. He estimates the time and distance erroneously and does not succeed in getting back into the right lane in time to avoid a collision. Should it make any difference whether our driver was plaintiff or defendant? If he was the defendant, we call his conduct negligence. If he is the plaintiff, should we say that because he saw the other car coming, he deliberately assumed the risk and should not be able to recover at all, even in a comparative negligence jurisdiction? I would suggest to you that the problem is essentially the same whether the driver was plaintiff or defendant. This means that the comparative negligence statute should apply to assumption of risk when it is the kind of assumption of risk which is analogous to contributory negligence.

In a number of states recent decisions have held that a distinction should not be drawn between contributory negligence and assumption of risk. Some of these decisions have abolished the distinction for particular purposes, such as employer-employee relationships[17] or automobile guest relationships,[18] and others have abolished it in general.[19]

The Mississippi Supreme Court at an earlier time drew a distinction between the two concepts and held that assumpton of risk was still a complete defense in Mississippi, despite the presence of the comparative negligence statute.[20] Later cases have not specifically changed this holding, but they have substantially narrowed the application of assumption of risk.[21] With the swelling trend indicated in other states, it seems likely that the court may soon take a similar position and hold that any form of assumption of risk which is analogous to contributory negligence will come within the comparative negligence statute.

In this connection it may be noted that the new *Restatement of*

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[17]Ritter v. Beals, 225 Ore. 504, 358 P.2d 1080 (1961); Siragusa v. Swedish Hospital, 60 Wash. 2d 310, 373 P.2d 767 (1962).

[18]McConville v. State Farm Mutual Auto. Ins. Co., 15 Wis. 2d 374, 113 N.W.2d 14 (1962).

[19]McGrath v. American Cyanamid Co., 41 N.J. 271, 196 A.2d 238 (1963); *cf.* Felgner v. Anderson, 375 Mich. 23, 133 N.W.2d 136 (1965); Bolduc v. Crain, 104 N.H. 163, 181 A.2d 641 (1962).

[20]Saxton v. Rose, 201 Miss. 814, 29 So. 2d 646 (1947), 19 Miss. L.J. 369 (1948).

[21]*See, e.g.*, Dendy v. City of Pascagoula, 193 So. 2d 559 (Miss. 1967); Elias v. New Laurel Radio Station, Inc., 245 Miss. 170, 146 So. 2d 558 (1962).

Torts has for the first time a chapter on assumption of risk.[22] This involved a sharp debate between the Reporter, Dean William L. Prosser, and his advisors, a majority of whom disagreed with him and wanted to leave the chapter out.[23] Dean Prosser prevailed, but in order to do so, he made concessions in the language which virtually placed him in agreement with the dissenting advisors. This chapter specifically says that assumption of risk should not be a separate defense when there is a comparative negligence statute.[24]

IV.

My fourth topic is Contribution between Joint Tortfeasors. This topic begins with the English case of *Merryweather v. Nixan*,[25] decided by the Court of King's Bench in 1799. The case held that when two men had been guilty of trover, and the owner had recovered from one of them, he could not obtain contribution from the other. Note that this involved an intentional tort; also that it was decided by Lord Kenyon, who made many other erroneous decisions in his day. But it established the common law rule, and it was also applied when the parties were guilty merely of negligence. The basis usually given for it is the Latin maxim, *In pari delicto, potior est conditio defendentis.* You Latin scholars will have been able to translate that to: In equal guilt, the position of the defendant is the stronger.

The common law rule was imported into this country, and it is the majority rule at common law today. A number of states, however, have regarded it as not fair or equitable and as being inconsistent with the law of restitution and unjust enrichment. They have reached the holding at common law that contribution should be allowed.[26] One state where this has happened is Wisconsin, which, like Mississippi, has a

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[22]RESTATEMENT (SECOND) OF TORTS §§ 496 A to 96 G (1965).

[23]For some of the debate which got into writing, see RESTATEMENT (SECOND) OF TORTS at 72-87 (Tent. Draft No. 9, 1963).

[24]RESTATEMENT (SECOND) OF TORTS § 496 A, comment *d* at 563 (1965), provides:

> [T]here are statutes which make contributory negligence only a partial defense, with the effect of reducing the recoverable damages, which have been construed to leave assumption of risk as a complete defense. It would appear that, unless such a construction is clearly called for, it defeats the intent of the statute in any case where the same conduct constitutes both contributory negligence and assumption of risk, since the purpose of the act would appear to be to reduce the damages in the case of all such negligent conduct, whatever the defense may be called . . . .

[25]101 Eng. Rep. 1337 (K.B. 1799).

[26]*See, e.g.*, Best v. Yerkes, 247 Iowa 893, 77 N.W.2d 23 (1956).

comparative negligence statute. In the case of *Bielski v. Schulze*[27] the court held that contribution would be allowed, but it did not follow the usual custom of dividing the amount equally between the parties, and instead divided it according to the relative fault of the parties. This, you see, fits in perfectly with the comparative negligence concept.

The injustice of the majority common law rule has been such that a very substantial number of states have passed statutes on the subject. Mississippi has such a statute.[28] However, as I read it, it is quite inadequate and applies only in the case where the original plaintiff has obtained a judgment against both of the tortfeasors. This would seem to mean that he still has the entire choice as to whether he would sue either or both parties, and if he failed to join one of them the statute would not come into operation. If Mississippi had a third-party practice, then perhaps one defendant could join another and make the statute effective. In the absence of such a practice the present statute is very inadequate.

I should like to call to your attention the fact that the Uniform Laws Commissioners have given careful and extended consideration to this problem and have promulgated a uniform statute. The first uniform statute appeared in 1939. Theoretically, it was a good draft, but it soon developed a practical difficulty. When one tortfeasor paid the injured party and took a covenant not to sue, he expected to be relieved of all liability. But once the plaintiff recovered from the second tortfeasor, that person then brought an action against the first tortfeasor and recovered. This meant that the covenant not to sue could not effectively end all liability, and it seriously discouraged settlements.

In 1955 the uniform act was revised and promulgated in a new form. This time it specifically provided that a covenant not to sue would end all liability unless there was collusion. The 1955 Act is a very carefully prepared one, and I heartily recommend it to you for your serious consideration. I wish there were time to discuss it in detail. Perhaps one slight change could be made in it for a comparative negligence state like Mississippi, to permit division of the cost on the basis of the relative fault of the parties, rather than equally.

V.

My fifth and final topic is the Effect in a Negligence Action of the Violation of a Criminal Statute. You will recall, I am sure, the three different views as to the effect to be given to a criminal statute in a civil action: that violation of the statute is to be treated (1) as negli-

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[27]16 Wis. 2d 1, 114 N.W.2d 105 (1962).

[28]Miss. Code Ann. § 335.5 (1956).

gence per se, (2) as prima facie negligence, or (3) as merely evidence of negligence.[29] The majority rule is that it amounts to negligence per se. But how did it get to be negligence per se? How does one determine when a criminal statute should be treated as laying down a specific rule of conduct in substitution for the broad general standard of what a reasonable prudent man would do under the same or similar circumstances? Most of the cases which have treated this problem have discussed it in terms of the legislative intent. Of course, this is quite unrealistic because the members of the legislature were clearly not thinking of a civil action when they passed this criminal statute; and the courts are simply making up a fictitious intent. In the California case of *Clinkscales v. Carver,*[30] Justice (now Chief Justice) Traynor presented a much better explanation. This was to the effect that the court does not take the rule in the criminal statute because the legislature intended for it to do so, but that the court adopts and lays down that rule on its own initiative. It is the court's obligation to submit to the jury the broad general standard of what a reasonable prudent person would do unless the application of that standard has become so clear that the court should lay down a specific rule for the jury. This is what the court does when there is a criminal statute. It adopts the rule in the statute itself. But it is under no obligation to do so, and when a criminal statute has become obsolete and no longer sets forth the custom of the community (*e.g.*, a speed limit of eight miles per hour), the court may properly ignore it and let the case go to the jury under the general negligence standard. This position has now been followed in the new *Restatement of Torts.*[31]

When the court does adopt the criminal statute, it usually follows the negligence-per-se rule. But there are times when the per-se rule seems unfair, and some means ought to be found to permit it to be circumvented when the facts warrant. In a Note in the *Mississippi Law Journal* in 1941,[32] Dick Lord and Everett Truly carefully analyzed the Mississippi cases as of that time. On the basis of these cases—particularly *Ripley v. Wilson*[33] and *Priestly v. Hays*[34]—they came up with the conclusion that the state follows the rule of negligence per se as a general proposition, but that certain excuses are to be allowed.

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[29]*See, e.g.*, Note, *Violation of Highway Statutes as Negligence in Mississippi,* 13 Miss. L.J. 248 (1941).

[30]22 Cal. 2d 72, 136 P.2d 777 (1943).

[31]Restatement (Second) of Torts §§ 285-86 (1965).

[32]Note, *Violation of Highway Statutes as Negligence in Mississippi,* 13 Miss. L.J. 248 (1941).

[33]140 Miss. 845, 105 So. 476 (1925).

[34]147 Miss. 843, 112 So. 788 (1927).

They talked about these excuses as an emergency doctrine and explained that this does not amount to an abandonment of the doctrine of negligence per se for the prima-facie doctrine. Under the latter the judge always leaves it to the jury to determine whether the conduct of the party was negligent on the facts despite the existence of the criminal rule. Under the per-se doctrine he normally instructs the jury according to the criminal rule and gives them no discretion in the matter; but when there is specific proof of an emergency or some other basis for an excuse, he may then decide to submit the whole issue to the jury and let them decide whether a prudent man would have followed the criminal rule or have adopted a different course of conduct under these particular circumstances. Whenever the judge follows this procedure, there is, in that particular trial, little difference between the per-se and the prima-facie rules.

I am now pleased to call your attention to the fact that this analysis has now been adopted in the new *Restatement of Torts.* Section 288A provides as follows:

> (1) An excused violation of a legislative enactment or an administrative regulation is not negligence.
>
> (2) Unless the enactment or regulation is construed not to permit such excuse, its violation is excused when
>
> (a) the violation is reasonable because of the actor's incapacity;
>
> (b) he neither knows nor should know of the occasion for compliance;
>
> (c) he is unable after reasonable diligence or care to comply;
>
> (d) he is confronted by an emergency not due to his own misconduct;
>
> (e) compliance would involve a greater risk of harm to the actor or to others.[35]

So this is an occasion when the rest of the country is coming into accord with the position which Mississippi has followed for some time.

With this I conclude my shotgun approach to the law of torts. In covering five topics in the time allotted I hope I have not gone so fast as to be unintelligible; and I trust that you will be ready to agree that the law of torts is a good illustration of the way the common law adjusts and adapts to meet changing conditions and the development of new ideas.

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[35] RESTATEMENT (SECOND) OF TORTS § 288 A (1965). *See also* § 288 B, which provides:

> The unexcused violation of a legislative enactment or an administrative regulation which is adopted by the court as defining the standards of a reasonable man, is negligence in itself.

This adopts the general doctrine of negligence per se.

Committee reports were presented. Action taken on them is found in Appendix A.

Mr. William D. Brooks of Kosciusko was nominated by Mr. Dennis M. Baker of Batesville, and Mr. William C. Keady of Greenville was nominated by Mr. Earl T. Thomas of Jackson, for the office of First Vice-President and President-Elect of the Mississippi State Bar. Mr. Keady was elected.

Mr. Ed Connell of Clarksdale was nominated by Mr. Robert Barnett of Jackson for the office of Second Vice-President of the Mississippi State Bar, and he was elected unanimously.

President John Armstrong delivered the office of Presidency of the Mississippi State Bar to Mr. H. W. Overstreet of Jackson.

The following Commissioners were elected:

District 1—W. P. Mitchell, Tupelo
District 2—Hollis C. Thompson, Gulfport
District 3—Harry L. Case, Jr., University
District 4—John J. Fraiser, Jr., Greenwood
District 5—Burris O. Smith, Louisville
District 6—Frank W. Walden, Natchez
District 7—Rufus Creekmore, Jackson
District 8—William H. Johnson, Decatur
District 9—William W. Ramsey, Vicksburg
District 10—Thomas R. Jones, Meridian
District 11—William P. Dulaney, Tunica
District 12—Lester Clark, Hattiesburg
District 13—Jerry L. Yeager, Raleigh
District 14—William A. Wiltshire, McComb
District 15—James Sebe Dale, Jr., Columbia
District 16—Leroy R. Kenneday, Macon
District 17—John W. Whitten, Jr., Sumner
District 18—Stewart J. Gilchrist, Laurel
District 19—Frank J. Hammond, Jr., Moss Point

The Sixty-Second Annual Convention of the Mississippi State Bar then adjourned *sine die*.

PROCEEDINGS OF THE THIRTY-FIRST ANNUAL MEETING OF THE

Junior Bar Section

Held in Biloxi, Mississippi, June 29, 1967

The General Assembly of the Junior Bar Section was called to order at 2:00 p.m. in the Buena Vista Hotel, Biloxi, Mississippi, by Mr. Edward P. Connell of Clarksdale, President of the Junior Bar Section.

The invocation was given by Mr. Robert G. Barnett of Jackson.

President Connell then delivered the President's Report on the activities of the Junior Bar during the past year.

The following committee reports were delivered:

Public Relations Committee, by its Chairman, Mr. Raymond Brown.

Lawyers' Placement Service Committee, by its Chairman, Mr. Thad Cochran.

Defense of Indigent's Committee, by its Chairman, Mr. Frank Crosthwaite.

Law Day, U.S.A. Committee, by its Chairman, Mr. Frank Roach.

Mr. E. C. Ward of Natchez then introduced Mr. Gene Wilkins, President-Elect, Young Lawyers' Conference of the American Bar Association, who delivered the following address.

YOUR ROLE IN THE ABA

Gene Wilkins

Let me talk for just a few minutes about the American Bar Association, particularly about the role of the young lawyer, and by young lawyer I am speaking of the lawyers thirty-six and under in that Association. The American Bar Association today has in excess of 125,000 members. A little over 40,000 of these members, almost one out of three, is a member of the Young Lawyers' Section. The services that are provided by the American Bar Association are simply unmatched by any other professional association of this country. It provides extensive information services, publications, legislative assistance, programming, placement, referral, and continuing legal education.

In addition to these services every member has working for him an annual budget of almost four million dollars, and a full-time paid

professional staff in the Chicago office of the ABA of some 230 people. The outstanding work of the American Bar Association, however, is not done by the paid staff. It's done by the individual lawyers through the Sections of the ABA. Service to the legal profession is the most important reason for the existence of the American Bar Association. This service is performed primarily through twenty-one sections, each devoted to its own particular division within the law or area of legal concern, all the way from adoption to zoning. Each one of these sections has its own by-laws and elects its own national chairman and governing council. Sections determine their own programs, their own publication, and their own educational undertakings. Dues vary with each section, none of them being more than ten dollars, I believe, for each section. As a practical matter there are no dues at all in the Young Lawyers' Section. Every member of the American Bar Association under the age of thirty-six is automatically a member of that Section.

Just let me run through the list of the twenty-one Sections of the ABA to refresh your memory of the divisions that there are in the particular areas of the law that are covered. There is Administrative Law, Anti-trust Law, Bar Activities, Corporation, Banking and Business Law, Criminal Law, Family Law, General Practice Section, Section of Individual Rights, Responsibility, Insurance, Negligence, and Compensation Law, International and Comparative Law, Judicial Administration, Labor Relations Law, Legal Education and Admissions to the Bar, Local Government Law, Mineral and Natural Resources Law, Patent, Trademark and Copyright Law, Public Contract Law, Public Utility Law, Real Property, Probate and Trust Law, Taxation, and finally last but not least, the Young Lawyers' Section. I believe that through these twenty-one Sections of the American Bar Association there is a place in that association for every member of the Bar.

The Young Lawyers' Section was formed just after 1930. Prior to that time, although a good many state and local bar associations had some activities of young lawyers, relatively few participated in National Bar Association work. At the time of the depression the number of young lawyers was increasing, and these attorneys, many of them sole practitioners, bore the brunt of the problems facing the legal profession. This fact coupled with the determination on the part of younger lawyers to take an active part in the improvement of the profession on a national level led to the establishment of the Junior Bar Conference in 1934.

The Junior Bar Conference changed its name three years ago to the Young Lawyers' Section. The purposes of the Conference were defined then and still exist in the By-laws of the Young Lawyers' Section as follows:

1. To continually serve the interest of the young members of the American Bar in the objects and programs of the American Bar Association.
2. To provide a program of activities designed to be attractive and helpful to young lawyers.
3. To promote active programs of cooperation with the several sections of the ABA.
4. To aid in the advancement, improvement, and coordination of state and local young lawyers associations.

Early efforts of the ABA included public education programs, coordination of activities of the bar association groups, and initiation of studies in the field of economics. These same programs of today became primary objectives and programs of the Senior Bar Association.

In 1939 the Junior Bar Section undertook the study of our minor court system. Today the ABA has a full-time traffic court program. In World War II the Junior Bar Section rendered voluntary service to the members of the Armed Forces and after the War encouraged the Bar Association in establishing programs for the assistance of lawyer veterans in re-establishing their practice. At this time the Young Lawyers' Section still has an active committee of military service lawyers.

In the late 1950's the JBC took the lead and publicized the "bridge the gap" programs. At this time some thirty states have active "bridge the gap" programs. From some 125 members in 1934 the JBC has now grown to a membership of over 40,000. In its first year only thirty-five states of local affiliated units were connected with JBC. Now there are over 150 such organizations connected. From a small appropriation in 1934, our annual budget for next year will be 52,000 dollars.

Occasionally I run into the idea that only defense attorneys from only large law firms belong and are active in the American Bar Association. Let me assure you that this is just simply not true. There is a place in the American Bar Association, the Young Lawyers' Section, for everyone who is willing to devote a couple of hours a month. I think that by reviewing some of the organizational makeup of the Young Lawyers' Section, you can get some idea of the possibility for yourself.

The Conference Assembly of the Section is comprised of approximately 180 members, and the chief policy making body in each state-affiliated unit, such as the Junior Bar Section of the Mississippi Bar Association, has two delegates. A local affiliated member, such as the Jackson Bar Section, has one delegate. The Executive Council is comprised of fourteen members who are elected from fourteen districts throughout the United States. Ed Connell is the present district representative for the Sixth District, which comprises the States of Alabama, Louisiana, Mississippi, and Tennessee. The National Chairman, Vice-

chairman, Secretary, immediate past Chairman, and speaker and clerk to the Conference Assembly are also members of this Executive Council. The Council reduces in detail committee work and all major policy decisions. Besides committees of the Section, which I will discuss in a minute, there are four National Directors, who are each year appointed by the Chairman. These Directors serve primarily as liaison men between the Chairman of each committee.

But the primary substantive work of the Young Lawyers' Section again is conducted by individual lawyers through some twenty committees. I think you can see from the following list of committees that there is some area of interest which would be of particular concern to every young lawyer. These are some of the twenty committees for next year, which begins in August 1967: Affiliated Organizations, Awards, Achievements, and Projects, Budget Committee, Canons of Professional Ethics, Continuing Legal Education, Corporate Lawyer, Electoral College Reform. Here I might add that we had a committee which did a tremendous job on Vice-presidential inability and Presidential succession. Now we are working on Electoral College Reform, and I can tell you that sometime during this coming year, the Commission which was appointed by President Morris to study the problem of Electoral College Reform will come up with the final draft of an amendment which will be introduced hopefully during the next session of Congress. Federal Legislation—our Section has been particularly concerned with the amendment of the Keel Bill, and largely through the work of the Young Lawyers' Section, the Keel Bill was amended at the last session of Congress, so that now you can deduct up to a hundred percent of the contributions to a qualified plan rather than fifty percent of your contributions as the bill was originally passed. Meetings, Meetings Format, and Section Activities. That is an inward looking committee to see what we are doing and whether we ought to be changing the way we are doing. Membership, Military Service Lawyer, Practice, Orientation, and Training, Publications, Traffic Court and Court Improvements, Liaison with Other ABA Sections, Liaison with the American Bar Endowment. And finally, a new committee established this year entitled Youth and the Law. The Attorney General of the United States has just said that the greatest single age for the commission of crime is fifteen years. This is incredible. There are more crimes committed by fifteen-year-old youths than there are in any other age group, and he says it declines fairly steadily until it drops off at age twenty-five. Well, we are going to see if we can't do something about this through a committee entitled Youth and the Law this coming year. At least it will sow the nucleus of a program which I hope will develop.

What is your role in the American Bar Association?

1. Become active in one of the Sections. This will not only help your particular practice, but it will allow you to share your ideas with other lawyers who have the same problems you do.

2. Take advantage of the publications, the information services, and the continuing legal education programs of the Bar Association.

3. Encourage membership. Membership in the ABA is not only a direct benefit to the individual, but the combined benefit can be a tremendous voice in promoting the legal profession, in changing our public image, which unfortunately has been tarnished over the past few years, and increasing our own legislative effectiveness.

4. And, finally, go to Bar Association meetings.

President Connell then presented the President-Elect, Mr. Robert Barnett, who spoke on the activities and plans of the Junior Bar for the coming year.

Mr. Pat Scanlon of Jackson and Mr. Raymond Brown of Pascagoula were nominated for the office of Vice-President and President-Elect. Mr. Brown was elected.

President Connell then introduced Mr. Ramsey Clark, Attorney General of the United States, who delivered the following address.

ADDRESS OF RAMSEY CLARK

Ramsey Clark

Let me talk to you in a very general way about the country and the law, and law and order, and Bar Associations, and our problems as I see them. We live in a time of really immense change. I think this is the fundamental fact of our day, and it is a fact. There has been more change in the way peoples live in the first two-thirds of the twentieth century than in history heretofore. Two dynamics contribute chiefly to this change, and the first is population growth. When the Union was formed, we were about three and a half million people, and we were sprinkled along the Eastern seaboard. Our biggest city was New York with 33,000 souls. Twenty percent of the people lived in communities with as many as 1200, and eighty percent of the people lived outside of them. The law was really a fundamentally different thing then in its application to people than it is now. As an illustration, there was a lawyer down in Elizabeth City County, the County of Elizabeth City, Virginia, and his name was George West. He was born in about 1726, and by the time of the Revolution he had become the most prominent lawyer in his state; he had taught; he had served in the Legislative Body of the State; he had been on the floor when Patrick Henry made his declaration. He knew every lawyer in Virginia, and he knew every

person in the County of Elizabeth City, and nearby or adjacent in Riko County, where was situated Richmond, the capital. The whole Bar could sit around a small table and have lunch together when court was in session. Among the students that West taught, there was a dropout, James Madison—he didn't keep it up—but West went on to serve with him at the Constitutional Convention, where Madison was probably the predominant force, Madison the student.

Another student who learned law in his office was Thomas Jefferson, and West signed the *Declaration of Independence,* composed in pen by his student. West stayed on the Court of Chancery, the high court of Virginia at that time. There were three members when he commenced his service, and he did such a good job that they reduced the court to one. A decade before a third student of his, John Marshall, ever heard of William Marbury, George West declared invalid a statute of Virginia because it was incompatible with the Constitution of the Old Dominion. While he served on that court, he had a clerk, a young fellow named Henry Clay, for three years. Clay went west and later came back to Washington and made quite a name for himself. These were simple and good times. It makes you think of a statement attributed to Guiseppe Verdi, a great Italian composer, who said, "Let us return to the past. That would be progress." Well, maybe it would in music. In fact, from some of the music I have been hearing lately, I am pretty darn sure it would; but, we can't. There is no road back. There is only the future and that's all we could ask for.

The three and a half million in 1787 had grown to seventy-six million by 1900. The country seemed pretty big then. But now, two-thirds through this century, it will reach two hundred million this year. In fact, with the estimated error of five million in the 1960 census, we are over two hundred million right now, and by the most conservative estimates of the statisticians, this country will contain three hundred and forty million citizens by the year 2,000, thirty-three years hence, one hundred and forty million more Americans than we have today, an addition greater than all of the Americans alive when I was born, a number exceeding more than seven times the population of a state like California or New York, a factor that will make an immense difference in our lives, in the role of our Government, and in the needs of our people.

The other dynamic, as I see it, is science and technology. When my father was born, the horseless carriage had not really reached Texas, the Wright Brothers hadn't left Dayton for Kitty Hawk. In 1900 there were 10,000 journals in the United States published regularly devoted to scientific developments. By 1950, which is fifty years and a short time in many ways, that 10,000 had grown more than ten-fold

and exceeded 100,000, while the population had barely doubled. This merely reflects the increase in our learning about the physical world in which we live. The physical sciences are doubling our knowledge in their fields in each decade. That means that the young graduates in, for instance, physics and chemistry will be confronted within forty years with a basic field of knowledge, hard raw knowledge, sixteen times greater than that known to all of their contemporaries and their professors and teachers and all the researchers the day they graduated. That spells immense change.

I remember seeing television at the New York World's Fair in 1939. I remember when the cable bringing television to my home in Dallas, Texas, so that we could have live television from the East Coast, first reached us—it was almost fifteen years later. And now we have Telstar in less than fifteen more years that provides the potential for instantaneous television communication from any point in the world. The rate at which we utilize scientific knowledge employed in our daily lives and the way we live is accelerating more rapidly than is our basic research and discovery, and this means immense changes.

We have enclosed in the architectural design and construction of man more space on this planet in the last thirty years than had been enclosed in the preceding six thousand, and this is the context in which we live. Our young lawyers, our members of the Junior Bar today, will live and engage in a professional practice in this last third of the twentieth century that will call for more initiative, more foresight, more dedication, more public awareness and concern than at any time in the past, because this change means that the leisurely adjustments and bygone days cannot keep the pace, and we must, as Lincoln said, "Think anew and act anew. The quiet dogmas of the past are inadequate to the stormy present." We must disenthrall ourselves. It's a time of organization. I guess I would rather be a loner. By predilection I would be a solo practitioner, but everything that I see tells me that the development of the law is toward specialization, that the future of the law is with the big firms, and we have seen that for more than a quarter of a century. The numbers of our times require organized effort for effectiveness, and that is why associations today have a vitality and a meaning that they have not had in the past, and why there is such a great need for their leadership and their effort.

I see for the Bar Associations challenges in four areas. These four areas are first, the effort to perfect our laws and their administration. The Bar has a major role in this effort. We need to know that the organization of our courts is intelligently designed to meet the needs of today and tomorrow. We really can no longer afford anything else. We need to know that the criminal code of the state is simplified,

codified, and relevant to the day and to tomorrow. We need to seek to bring to our states the uniform rules of corporate law, partnership, business law in every field, modern rules of practice and procedure, and justice demands it in this time of immense change.

Second, we need to strive to raise the professional standards and attainments of the lawyer. I can remember when I first got out of law school and started practicing, that this idea of continuing legal education was just taking hold, and with some reflection upon my intelligence, I will tell you that I really doubted its meaningfulness. I had been struggling in the private practice for three or four years before we created it in Dallas, and I favored it in the Southwestern Legal Foundation, of which I have been a member. We were just beginning then the task of continuing legal education for lawyers, and it is an immense task in our day of proliferation in the law, when all of our efforts to simplify are only a holding action. Continuing legal education is a necessity. I have come to observe within the limits of my experience, that it is the very best practitioner in personal injury who attends programs of continuing legal education in that field, that they watch how others are handling such problems as demonstrative evidence; that the leaders of the Bar, the most effective lawyers, have come to know that one must work continuously to assure clients of adequate representation, and the Bar has to offer this opportunity in continuing legal education.

Third, the Bar must develop its numbers and its service to reach all of the people. If we fail, there will be great damage to the rule of law. Surely it is fundamental to the premises of our system, not to mention our profession, that without legal representation when it is needed, rights are not secure. But unlike the County of Elizabeth City in the days of George West, most Americans today do not know a lawyer, and far too many have no access to a lawyer. It is our duty to remedy that, and I think we are making progress. It is rather remarkable when you think of it that it was 1964 before the United States or its Federal Courts had a Criminal Justice Act, assuring the potential for compensation for any attorney appointed to represent an indigent. It was really 1965 before Government moved to provide neighborhood legal services to the poor. From the standpoint of the legal profession, I think one of the most rewarding stories in the last several years is the support that the American Bar Association and our great association of lawyers of the United States have given to neighborhood legal services programs. The Office of Economic Opportunity in its first year of operation took into urban and rural poverty areas the opportunity, at least for a small part of those people there, for legal representation, and this enlarged the rights, the lives, and the welfare of those areas many times over the cost of the legal services. It represents more in the

securing of the right for a particular individual, it represents the establishment of law for the poor in their relationships, in their environment, and this is essential to the welfare of the country. The Bar must take the leadership. We have to know that Negro and white poor, rural and urban, will have equal justice under law, and if lawyers don't believe this requires the representation of a lawyer and act upon that belief, then who will? Of all the areas where we need to know that adequate resources are provided, it is in the area of criminal justice that our challenge is the greatest, because we have neglected criminal justice. This is the great central lesson of what I believe to be the most comprehensive study of crime ever made, President Johnson's National Commission. We spent about four billion dollars a year for all of our police, four hundred and twenty-five thousand full time law enforcement officers, of whom twenty-three thousand, less than five percent, are Federal, because law enforcement is and must always be a local responsibility. To me that is more important now than it was in the days of George West. We spend slightly more for corrections. Lawyers have a responsibility in the field of corrections, just as judges do. We know, or think we know, that four out of five of the people of the United States convicted of felony, were convicted of a misdemeanor theretofore, and generally when they were kids. And that's an immensely important factor to me, because there is controllable crime, if all of our sciences mean anything. Here were identified by misdemeanor offense four-fifths of the future felonies, and we know that half of these commit further crime, and we also know, in my judgment, that half can be cut in half. If we cut that half in half, we have made a very substantial reduction in the commission of crime in the United States in the area of foreseeable and controllable crime. It takes the heart and the determination and the resources and the light that are available to us to do this. Would we expend only a billion more for corrections, for probation workers, for parole workers, if we would only develop from private resources, as has been done in many parts of the country, church groups and social groups, case workers to work with youthful offenders, we could cut their rate of crime repetition in half. The youth is where we have to work in crime control, because youth is where our crime is committed. Almost two-thirds, sixty-four percent of the 500,000 automobiles stolen in the United States last year, are known to have been stolen by kids seventeen years old and younger. Half of all property crime is committed by minors. Last year reported crimes among adults declined one percent, among juveniles it increased nine percent. And what can be more important to society than our youth, and what could be more important to the legal profession in its effort to enforce the rule of law than instilling in the hearts of our youth that respect for law

which is the first requisite of a civilized nation.

That brings me to the fourth area Bar Associations in my judgment have as their major responsibility, and that is to make reverence for the laws the political religion of this nation. To more than carry the message, to carry the way, to families, to churches, to all of our organizations to create a climate based upon the heartfelt understanding of the citizenry that respect for the rights of others, which is the rule of law, is the only foundation on which a great and free people can build. I hope very much that Mississippi, its great Bar, and its people will be in the vanguard in this effort.

The election of officers was continued, and the following officers were duly elected:

Robert Barnett, Jackson, President
Raymond Brown, Pascagoula, Vice-President
Thad Cochran, Jackson, Secretary
Directors:

Northern District
- Frank O. Crosthwaite, Jr.
- Frank Hunger
- Jerry Eskridge

Central District
- Bill Cox
- Bob Gillespie
- H. W. Glover, Jr.

Southern District
- Ben Stone
- Bill Mullins
- Vincent Blackwell

The Thirty-First Annual Meeting of the Junior Bar Section then adjourned *sine die*.

APPENDIX A

COMMITTEE REPORTS—SENIOR BAR

The following committee reports were published as *1966-67 Committee Reports of the Mississippi State Bar,* and thus they will not be reprinted here:

Administrative Law Committee
Bar Admissions Study Committee
Budget and Finance Committee
Bylaws Revision Study Committee
Continuing Legal Education Committee
Department of Justice Building Committee
Ethics Committee
Judicial Administration Committee
Law Day USA Committee
Lawyers Placement Service Committee
Memorial Committee
Military Law and Legal Assistance for Servicemen Committee
Municipal Law Committee
Office Management and Fee Schedule Committee
Procedural Reform Study Committee
Public Defender Committee
Public Relations Committee
Special Supreme Court Study Committee
Study Committee
Taxation Committee
Traffic Court Committee
Unauthorized Practice of the Law Committee
Uniform Commercial Code Committee
Workmen's Compensation Committee

BAR ADMISSIONS STUDY COMMITTEE

The following recommendations of the committee were adopted:

1. That Section 8647 be amended to provide that the Supreme Court of Mississippi shall appoint the members to the Board of Bar Examiners. These appointments shall continue to be made for three-year periods and shall be made as the terms of office of the present Board members expire. In the event any member shall become unable or unwilling to continue to serve, his successor shall be appointed by the supreme court. At all times each supreme court district shall be represented by two members.

2. That Section 8654 be amended by deleting therefrom the provision that an applicant may pursue a general course of the study of law for two years under the supervision of a Mississippi attorney and that its companion Section 8654.5, providing for the study of law under the supervision of a practicing Mississippi attorney, be repealed.

3. That Section 8654, Subsection 3, be amended to provide that the applicant must have successfully completed three years of college work consisting of not less

than ninety semester hours in an accredited college.

4. That Section 8657, which enumerates the subjects upon which the applicants are to be examined, be repealed and in lieu thereof that the statute require that the subjects upon which examinations are to be given shall be determined by the Board of Bar Examiners and incorporated into their rules and regulations so that all applicants may know upon what subjects they will be expected to stand an examination. This amendment also should provide that the applicants will be given a written test sufficient to thoroughly test their legal learning.

5. That Section 8658, which provides that if an applicant has demonstrated satisfactory proficiency in at least one-half of the subjects on which he is examined, shall thereafter be required to stand examinations only in those subjects in which he has not qualified, be amended to further provide that if the applicant fails two examinations consecutively that he shall not be permitted to take another examination until a year has elapsed at which time he will be examined on all subjects submitted.

6. That Section 8661 dealing with the time and place for meeting of the Board of Examiners be amended to authorize the Board to fix the dates upon which the examinations shall be given provided that there shall be at least two examinations each year, with the examinations to be given within a reasonable time following the end of the usual mid-semester and spring semester breaks at the University of Mississippi School of Law.

MISSISSIPPI BAR FOUNDATION

The President of the Mississippi Bar Foundation, Mr. David Cottrell, presented the following report.

Starting handicapped by the untimely death of Sidney Carlton, our Foundation President, the other Foundation trustees pitched in and attempted to carry out this important work in accordance with Sidney's plans. We are happy to report that there are now 127 Fellows of the Mississippi Bar Foundation, and financially the Foundation is on solid ground and solid footing. There is of course need for more participation by you, the members of the Mississippi State Bar, and we know that you will give it the support that it deserves and the time in the future.

During the past year the Foundation has given an award to the leading Ole Miss law graduate for the year 1966. This is an annual event and in which the Foundation participates, along with the Supreme Court of Mississippi. We are also giving a scholarship of some 600 dollars to the editor of the Law Journal. The Foundation also has had the privilege of presenting some valuable books to the University of Mississippi Library to honor Honorable Sidney C. Mize, who recently died and who distinguished himself as a United States District Judge here in the Southern District of Mississippi.

An important meeting was held in Jackson in December of last year in which the feasibility of the preparation of a history of the Supreme Court of Mississippi from 1817 to 1947 was discussed. Favorable action resulted in the appointment of a committee to deal with this subject. This committee consisted of Frank Everett, John Armstrong, Chief Justice Ethridge, Dean Joshua Morse III and N. W. Overstreet, Jr. After much planning and deliberation the committee reported favorably, and a contract has been made with Dr. John R. Skates, Professor of History at the University of Southern Mississippi, for him to write this important history. He will, of course, consult and collaborate with the existing committee that I have just named.

This morning we had another important meeting at which Honorable Bidwell Adam was honored and recognized for his distinguished service at the Bar for over fifty years time. We think in the Foundation that this is an important aspect of our work to recognize dedicated service of lawyers in this state to their state, to the bar, and to the nation.

We have a particularly outstanding list of officers for the coming year. I would like for you to know about them. The President will be Orma R. Smith; the Vice President, John T. Armstrong; the Secretary, George Van Zant. The trustees will be Orma R. Smith from the Northern District; Webb Overstreet from the Central District; John T. Armstrong from the Southern District; and Joshua Morse III and Frank Everett from the state at large.

Finally, I would like to say that Paul, in writing his letters to the Corinthians, tried to identify the *summum bonum* of Christianity and of life itself. He said that the highest elements of Christianity were faith, hope, and charity, and among these he tried to identify which was, in fact, the greatest, the *summum bonum* itself. He said that faith, after all, may be lost in sight, that hope ends often in fruition, but charity extends beyond the grave through the boundless realms of eternity. I can see a parallel in this expressed in the purposes of this Foundation. When Paul spoke of charity he was speaking of his high regard for his fellow man. I think this Foundation expresses the highest regard of our profession for the members of the profession of this state. I think that it has for its purpose the preservation and protection of the most important tenets of our profession and the making of a record for all time to come of the accomplishments of our legal institutions, our bar associations, and indeed the work of the Bar itself.

I think also that this Foundation provides a means to recognize people who are serving the state well in this profession and to pay honor to them and set them up as examples to their fellow lawyers, to the fellow judges, to the teachers of the law, and to the students of the law.

Lastly, I believe that as time comes and goes that the State Bar Foundation will be able to do important research, that it will enable us to keep up with the rapid changes in the law of the time, it will indeed help us to identify those changes and to keep the lawyers abreast of the times so far as the legal aspects of commercial transactions are concerned.

BYLAWS REVISION STUDY COMMITTEE

The following changes in the bylaws were adopted:

III

BOARD OF COMMISSIONERS

§ 4(a). There shall be a committee of the Mississippi State Bar to be known as the Committee on Complaints, and to which committee all complaints against members of the Mississippi State Bar for unprofessional and unethical conduct shall be referred. The committee shall consist of six members of the Mississippi State Bar and shall be appointed as follows: The president elected at the annual meeting in 1967 shall appoint two members of the committee for a term of three years, two for a term of two years and two for a term of one year. On the expiration of any said terms, the president shall appoint successors for a period of three

years. The president shall fill any vacancy that might occur for any reason, the appointment to be for the unexpired term. The president elected at the annual meeting in 1967 and each succeeding president shall designate a member of the committee to serve as committee chairman during the year of his presidency. The Committee on Complaints shall be charged with the duties of acknowledging receipt of each complaint, and shall likewise demand of the complainant affidavits and proof of the fact charged. The Chairman of the Committee may assign each such complaint to a member of the Committee on Complaints for further handling.

§4(c). The complaint with supporting affidavit or affidavits and the explanation and/or opposing affidavit, affidavits, or proof, if submitted by the member of the Mississippi State Bar against whom the charge has been made, shall be submitted to the committee as a whole. If the committee by majority vote decides that the charge is groundless or does not warrant disciplinary action, the same shall be dismissed and the parties notified in writing of the action of the committee. If the committee by a majority vote decided that the charge is of such a nature that further investigation should be made, the committee as a whole, or any one member thereof, acting as the subcommittee shall be clothed with all the powers conferred by Sections 31, 32, 33 and 34 (Sections 8720, 8721, 8722, and 8723, Mississippi Code of 1942, Annotated, Recompiled) of the act of the Legislature organizing the Mississippi State Bar, being Chapter 121 of the General Laws of Mississippi, 1932, and shall proceed to take whatever proof as is necessary, giving due and reasonable notice to the member accused as to the time and place of taking the testimony and conducting the investigation, which as far as practicable shall be in the county of the residence of the accused. The accused shall have the right and privilege of presenting proof and introducing testimony at any hearing of the committee or at any time and place where the committee is engaged in taking testimony.

VI
MEETINGS OF THE STATE BAR

The annual meeting of the Mississippi State Bar shall be held at a time, place, and hotel selected by the Board of Commissioners. The time shall be about the middle of June in each year, but the exact date thereof shall be determined by the said Board. The selection shall be made as soon as practicable after an annual meeting, and such selection may be made two years or more in advance of such selected meeting time and place in order to secure adequate hotel and convention accommodations.

Special meetings, if and when requested, shall be held at the time and place designated in the call therefor, such meetings to be held upon call of the President, the Board of Commissioners concurring, or the President shall call a special meeting at the direction of a majority of the Board of Commissioners, or the President shall call a special meeting upon the written petition of one hundred or more members of the Bar.

DEPARTMENT OF JUSTICE BUILDING COMMITTEE

The following report was presented by its Chairman, Mr. Sherwood Wise.

The Department of Justice Building Committee has been in existence for some time. The purpose is to find adequate quarters for the Supreme Court of Mississippi and its clerk, the law library, the Attorney General's Department, and the Mississippi State Bar. Adequate quarters are desperately needed for all of these entities. The quarters which they now occupy are pitifully inadequate, both as to space and as to quality. This is the purpose of this committee. We have been working for a number of years on this problem. Our feeling is that a building should be built which is commensurate with the importance and the dignity of the Supreme Court of Mississippi, which means the building of a building which is intended for the ages, a building of the quality and kind of the New Capitol, for instance. With this in mind, we have put our problems, of course, before the proper authorities.

At the extraordinary session of the Legislature in 1966 an omnibus bond bill was passed to issue full faith and credit bonds in the State of Mississippi in the amount of forty million dollars for various agencies. Included in this is a Department of Justice Building to be known as the Carroll Gartin Building. It is assumed that it will be built on the property immediately north of the New Capitol. 1,400,000 dollars is included in that bill for that purpose, so we have a beginning. Architects have been appointed, and the needs of the four departments are being surveyed. The only problem that we see at the moment is that it is quite obvious that 1,400,000 dollars is not enough money to accomplish what needs to be done.

We are going to continue this effort. We will continue to try to take what has been done and build on it, whether we have to work with what is available or whether we will be able in some manner to secure additional funds, I don't know, but I hope we will. Certainly the beginning has been made, and I hope from this beginning will come a Department of Justice Building which is truly adequate for the needs.

JUDICIAL ADMINISTRATION COMMITTEE

The Convention adopted a resolution that the following bills be submitted to the Legislature:

1. AN ACT to Create the Mississippi Judiciary Commission; to Provide for a Survey of the Judicial System of the State of Mississippi; to Obtain Statistical Information and Conduct Research Relating thereto; and for Other Purposes.
2. AN ACT To Make an Emergency Appropriation to the Mississippi Judiciary Commission for Making a Survey of the Judicial System of the State of Mississippi; and for Other Purposes.

LAW SCHOOL COMMITTEE

The following report was submitted by the Chairman, Mr. Frank Everett.

This committee report will be very brief. We have already made our report to the Commission. We will not undertake to go into the details of that report, but I do wish to make a brief summary of some of our thoughts pertaining to it without going into great detail about it.

The entire bar owes much to the dedicated membership of this committee, other than its chairman, who worked most diligently in the area of responsibility

assigned by the president. These members are Orma Smith, Jr., Hugh Clayton, Dave Cottrell, Chester Curtis, Judge Robert Gillespie, Judge Stanton Hall, R. Pearce Phillips, James Singley, Thomas Watkins, and J. W. Whitten, Jr.

A report has been submitted to the Commission. We will not here discuss all the matters contained therein, many of which are in the process of development and resolution.

Strong law schools are essential to a strong bar. It is imperative that the bar shall demonstrate its interest and share the responsibility for legal preparation and training in our state. Progress is being made. Academic requirements and standards of good moral character are being raised. This effort deserves our support. The young lawyer product of today is good. Between the law school and the bar, areas for better understanding, mutuality of objectives, constructive work together, exist. We have had many thorough discussions, and a better rapport has been established beneficial to the bar and to the law schools.

A system of internship for law students is under consideration, and its successful operation will require the earnest, patient, and diligent cooperation of the bar. Constructive suggestions from members of the bar in all matters pertaining to legal training will be welcomed and given thorough consideration. More lawyers should willingly participate in activities and programs of the law schools. The bar should work for stronger financial support from public and private sources consistent with the primary aims of the law schools in Mississippi. The bar must encourage efforts to raise standards and quality. In our own communities each of us should be more active and alert to interest our best students in the study and practice of law. In short the Mississippi State Bar should keep itself informed on the work, the progress, and product of our law schools and render assistance whenever possible.

COMMITTEE ON LEGAL SERVICES TO THE POOR

The following report was submitted by the Chairman, Mr. B. B. McClendon, and it was adopted by the Convention.

The Committee for Legal Services to the Poor, Mississippi State Bar, has considered the problem of legal services to the poor in relation to the financial funding of programs for such type services in Mississippi by the United States Office of Economic Opportunity or by some other appropriate agency of the United States. It recommends that such legal services to the poor be done only by or through the proper organized bar associations in the State of Mississippi and only if the confidential relationship between attorney and client is carefully maintained for the welfare and protection of the client. Unless such program is sponsored and controlled by the Mississippi State Bar or by one of its local organized bar associations, with proper minimum standards, such program may be handled by ununauthorized or incompetent people to the detriment of the poor in their need for legal services and to the detriment of the standards of the profession.

Consequently, the said Committee further recommends in detail as follows:

1. Such program must be under the supervision and control of the Mississippi State Bar or one of its proper local organized bar associations.

2. The confidential attorney and client relationship must be maintained, and the poor person must have the right of free choice of his own attorney.

3. Such program should not include fee-producing cases, such as damage suits, probate matters where the size of the estate is sufficient to pay attorneys' fees, etc.

4. A local bar association, or a contiguous group of local bar associations may organize an appropriate non-profit corporation to furnish such legal services to the poor, provided such program and organization is approved by the Board of Bar Commissioners of the Mississippi State Bar and provided, further, that at least two-thirds of the members and the Board of Directors, or the managing board of such corporation, are members of the Mississippi State Bar, members of such local bar associations, and elected by such bar associations.

5. If any such local bar association or associations should fail, neglect, or refuse to sponsor and organize within its area such a legal service to the poor program within a reasonable time, then the Mississippi State Bar may so sponsor and organize such services in such area at the discretion of, and whenever approved by, said Board of Bar Commissioners, in accordance with an overall state plan.

6. Such corporation may provide for a salaried lawyer and any necessary clerical and investigative help. Such salaried lawyer, after first determining, after advice from an appropriate agency, that a person seeking legal advice or assistance is within the income and property ownership limits, as may be established at the initial conference with such person, shall certify that such person is in need of legal aid and assistance within the program and permit such person to select any member of the Mississippi State Bar to advise and represent him in the matter.

Such lawyer so selected shall report his employment immediately to such office. After such lawyer has completed the legal service for which he was retained, he shall bill said office for his legal service and all reasonable costs. The charge for such legal service shall not exceed 80% of the minimum fee for such type services, as set forth in the minimum fee schedule of the Mississippi State Bar (or such schedule of said local bar association), but shall not exceed 300 dollars in any one case nor more than 3,000 dollars for all such type services to all persons in any one year by said lawyer, without prior approval of the Board of Directors.

7. The canons of ethics of the Mississippi State Bar shall be carefully observed in the operation of such offices and by the lawyers furnishing such services.

8. A suggested form for charter and by-laws should be prepared under the direction of the Board of Bar Commissioners for use by such local bar associations in organizing such corporations.

9. Adequate and proper controls shall be maintained on all finances and property, including an annual audit by a firm of Certified Public Accountants. Anyone handling property or disbursing money or funds shall be under a proper fidelity bond.

10. The affairs of any such corporation sponsored by a local bar association shall be subject to inspection by the authorized representatives of the Mississippi State Bar.

11. The limits of income and property ownership for a person to be eligible for such legal services shall be established by said Board of Bar Commissioners after completion of study thereon.

PROCEDURAL REFORM STUDY COMMITTEE

The recommendations of this committee were not adopted by the Convention.

PUBLIC DEFENDER COMMITTEE

The following recommendations of the Committee were adopted by the Convention.

The committee recommends by a substantial majority, first, that the legislature be urged to study and enact a system of public defenders, roughly on a circuit court basis, with necessary assistance. As a secondary alternative, that the system be adopted which is presently used in the federal courts and which has been and is now under criticism because of its cumbersomeness and its expense, the system of appointed counsel, but with an increase in fees or expenses allowed to appointed counsel. A third alternative is suggested that this should be accomplished on a countywide basis, on the basis of population.

RESOLUTIONS COMMITTEE

The following resolutions were presented to the Convention by the Chairman, Miss Evelyn Gandy, and were adopted by the Convention.

WHEREAS, since the members of the Mississippi State Bar last assembled in State Convention in June, 1966, God, in His infinite wisdom, has seen fit to call from their earthly labors three of our distinguished past presidents of the Mississippi State Bar: Honorable C. Sidney Carlton, Honorable Edward J. Currie, Sr., and Honorable Phil Stone; and

WHEREAS, we bow in humble submission to the all-wise decree of our Almighty Creator, but deplore the loss of our association with our departed colleagues; and

WHEREAS, these three of our colleagues were among our State's most outstanding and dedicated citizens who faithfully served our State and our Nation; and

WHEREAS, these three of our colleagues exhibited the highest ideals of Christian living in their private and public lives; and

WHEREAS, in their professional careers, these three of our colleagues were not only brilliant and successful lawyers, but freely gave of their time to the activities of their local Bar Associations, the Mississippi State Bar, and the American Bar Association; and

WHEREAS, their leadership among us was publicly recognized by their election to the office of President of the Mississippi State Bar, in which office Honorable Phil Stone ably served in 1948-49, Honorable C. Sidney Carlton ably served in 1962-63, and Honorable Edward J. Currie, Sr., ably served in 1963-64;

NOW, THEREFORE, BE IT RESOLVED that the Mississippi State Bar, in annual convention assembled, does hereby commend the public, private, and professional careers of these three of our esteemed colleagues who served as our State Presidents and that we deplore their loss because in their passing from the scene of our deliberations, we have suffered the loss of their progressive leadership, wise counsel, and loyal friendship.

BE IT FURTHER RESOLVED, that a copy of this Resolution be spread upon the permanent records of the Mississippi State Bar and that copies be furnished by our Executive Director to members of the families of our departed colleagues.

WHEREAS, the 62nd Annual Convention of the Mississippi State Bar, held at the Buena Vista Hotel, Biloxi, Mississippi, June 29-July 1, 1967, has been most outstanding, profitable, and enjoyable; and

WHEREAS, the entire membership of the Bar, particularly those attending this convention, feel deeply indebted to all those who have worked so capably, so

efficiently, and with steadfast and loyal devotion, in planning and arranging this Convention:

NOW, THEREFORE, BE IT RESOLVED that the members of the Mississippi State Bar, in Convention assembled, hereby express our heartfelt appreciation to the following:

Our capable and distinguished President, Honorable John T. Armstrong, for his outstanding leadership which has contributed immeasurably to the growth and progress of our Association and for the efficient and conscientious manner in which he has discharged all his many duties; and to our other officers, Honorable N. W. Overstreet, Jr., Honorable B. B. McClendon, Jr., and Mr. George Van Zant for their valuable services;

Our State Bar Commissioners, the Officers of the Mississippi Junior Bar, Honorable Edward P. Connell, President, and the Directors of the Junior Bar;

Our Program Committee, Honorable Harry O. Hoffman, Jr., Chairman;

The Hostesses for the Ladies' Luncheon, Mrs. Sherman Muths, Chairman, Mrs. Frank Hammond, Jr., and Mrs. Eaton Lang, Jr.; the Planning Committee for the Ladies' Art Show and Coffee, Mrs. Richard Graves, Mrs. Joseph Meadows, Mrs. Thomas L. Stennis, and Mrs. William L. Stewart and all the Gulfport Junior Bar wives who served as Hostesses; and all State Bar wives who served as Hostesses for the Coffee Service during the Convention;

The Registration Personnel, Reporters, and Assistant to the President, Honorable E. E. Laird, Jr.;

All other Committee Chairmen and members who served during the year and at this Convention;

Our featured speakers, Honorable Gene Wilkins, Honorable Ramsey Clark, Professor Robert Braucher, Honorable Stokes Robertson, Honorable J. P. Coleman, Honorable Earl F. Morris, Honorable Al J. Cone, Honorable John Gordon Gearin, Honorable Robert J. Farley, and Honorable John W. Wade, for their valuable contributions to our program;

Each of our members who introduced our speakers and accepted other responsibilities related to our program, which assignments were performed with distinction;

The Mississippi Association of Legal Secretaries for efficient and complimentary secretarial services throughout the Convention;

The City of Biloxi, the Harrison County Bar Association, and the management, staff, and employees of the Buena Vista Hotel for their cooperation in planning and providing for our comfort, convenience, and pleasure;

Our treasured friends and fine associates who extended so many courtesies and hospitality for our membership and families;

All our guests whose presence added so much to our Convention and our enjoyment thereof;

And to the representatives of the press and other news media.

BE IT FURTHER RESOLVED, that our Executive Director be requested to forward copies of this Resolution to all appropriate persons and that a copy be spread on the permanent records of the Mississippi State Bar.

STUDY COMMITTEE

Judge Lester Clark, in the absence of and at the request of the Chairman, called up the report of the Study Committee. He pointed out that this report had been distributed to the Bar with other committee reports in advance of the

Convention, included twelve matters for the Bar's consideration for recommendation to the Legislature, and showed the Committee had retained nine other matters for further study. With one minor amendment (providing for insurance by a guardian of his ward's assets by "a reputable insurance company admitted to do business in this state" instead of "the Federal Deposit Insurance Corporation or the Federal Savings and Loan Corporation"), the Committee's report was adopted.

SPECIAL SUPREME COURT STUDY COMMITTEE

The recommendations of this Committee were adopted by the Convention.

APPENDIX B

DIRECTORY

MISSISSIPPI STATE BAR

AUGUST 1967

ABERDEEN
Richard B. Booth
Harrison Bldg.
Claude A. Chamberlin
P. O. Box 72
Judge Allen Cox
D. W. Houston, Jr.
Watkins Bldg.
George W. Howell, Jr.
P. O. Box 476
John E. Johnson
P. O. Box 190
David B. King
P. O. Box 170
Armon D. Lee
P. O. Drawer P
Robert D. Patterson
P. O. Drawer 170
Ralph E. Pogue
Lyonel T. Senter, Jr.
P. O. Box 170
Johnny N. Tackett
P. O. Box 183
William S. Turner
Box 386
Jack B. Carlisle
Box 181
John B. Clark
P. O. Box 80
Judge J. P. Coleman
5th U. S. Circuit Court
of Appeals
P. O. Box K
Thomas A. Coleman
P. O. Box 267
James Dennis Dobbs
P. O. Box 155

AMORY
Billy James Funderburk
N. Main Street
J. O. Prude, III
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Jack N. Thomas
Box 267
Judge Fred P. Wright
Chancellor, 1st District

ASHLAND
Anthony T. Farese
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John B. Farese
P. O. Box 125
J. E. Hamer, Jr.
P. O. Box 121
L. Hamer McKenzie
P. O. Box 121

AVALON
Virgil G. Cook

BALDWYN
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Box 353
M. Paul Haynes
M. Paul Haynes, Jr.
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Hill Jarratt
D. R. Johnson
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Rex McRaney
P. O. Box 625
Robert T. Riser
Ted Lucas Smith
P. O. Drawer 568
Arnold R. Smythe
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Merchants Bank Bldg.
Lucien M. Gex
Merchants Bank Bldg.
J. R. Griffin
Favre & Griffin
Michael D. Haas
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Nicholas McL. Haas
P. O. Drawer UU
Edward I. Jones
Box 15
Cornelius Joseph Ladner
Box 412
George H. Lipscomb, Jr.
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Walter J. Phillips
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Judge Dan M. Russell, Jr.
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13th District
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Lynden Bowring
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Billy F. Brown
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First Bank of Biloxi
Bldg.
W. L. Guice
Box 153
Jacob D. Guice
First Bank of Biloxi
Bldg.
Louis Hengen
Rm. 217, Barq Bldg.
Mrs. Clare B. Hornby
Barq Bldg.
Alonzo S. Westbrook
175 Oak Grove Place
Clare Sekul Hornsby
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Albert S. Johnston, Jr.
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Albert S. Johnston, III
P. O. Box 214
Arnaud O. Lopez
202 Barq Bldg.
James S. Love
Hotel Buena Vista
Frederick J. Mannino
P. O. Box 241
Nick A. Mavar, Jr.
1214 West Beach
Howard McDonnell
Barq Bldg.
Newton Kelly McKoin
P. O. Drawer M M
Walter L. Nixon, Jr.
Box 541
Lyle M. Page
Box 222
Charles K. Pringle
Box 292
Victor B. Pringle
Box 292
Jules A. Schwan
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John Sekul
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737 East Beach
Walter J. Wadlington
P. O. Box 2
Edmund J. Walker
Route 3, Box 97
Thomas L. Wallace
Box 552
Thomas J. Wiltz
Box 302
Thelma S. Zinner
P. O. Box 67

KEESLER AFB
Capt. John J. Franco, Jr.
O. M. R. Box 801

BOONEVILLE
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Schultz Bldg.
Floyd W. Cunningham
P. O. Box 146
James A. Cunningham, Sr.
P. O. Box 146
Larry Wade Cunningham
P. O. Box 146
Jack M. Dubard
Box 225
Ellis W. Finch
P. O. Box 46
Donald Franks
Eugene B. Gifford
P. O. Box 254
James M. Godwin
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College Street
Edgar Watson Massey
Schultz Bldg.
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E. K. Windham

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George Dan Martin
P. O. Box 9
Marcus E. Martin
P. O. Box 8
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W. E. McIntyre, Jr.
John C. McLaurin
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Robert S. McLaurin, Jr.
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James A. Morrow, Jr.
J. C. Murray
Box 7
Mary Libby Payne
P. O. Box 68
Joe H. Sanderson
P. O. Box 151
J. David Williams
P. O. Box 263

BROOKHAVEN
Emmette P. Allen
Miss. Power & Light
Bldg.
Bruce H. Brady
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Tullius Brady
Box 115
Charles E. Brennan
P. O. Box 9
Judge M. L. Carr, Jr.
Chancellor
P. O. Box 52
James W. Elliott, Jr.
Box 774
George H. Gulley, Jr.
Box 317
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Panzica Bldg.
Box 356
Henry W. Hobbs, Jr.
Box 356
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Box 4
J. F. Noble, Sr.
Box 4
William B. O'Neal
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George Mitchell Swindoll

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James H. Herring
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Josephine Hood
Lt. Col. S. T. Lloyd, Jr.
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Judge Percy F. Parker
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Madison Co.
Robert H. Powell, Jr.
Box 245
L. G. Spivey, Jr.
P. O. Box 286
J. Collins Wohner

CARROLLTON
Maurice R. Black

CARTHAGE
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Harold W. Davidson
J. O. Hollis
Box 305
Howard Owen Leach
Box 366
J. E. Smith
Box 387
A. M. Warwick
P. O. Box 207
A. R. Wright, Jr.
P. O. Box 406

CHARLESTON
James A. Blount
Hughes Bldg.
George P. Cossar
Cossar Bldg.
George P. Cossar, Jr.
Cossar Bldg.
Robert Rex McCraney
Box 146
Joseph L. Tennyson
P. O. Box 84
Albert D. Whitten
P. O. Box 28

CLARKSDALE
William R. Bradley
101-105 Stevens Bldg.
Vincent J. Brocato
Box 609
Rodney Brooks
Coahoma Co. Bank
Bldg.
C. Willis Connell, Jr.
Bank of Clarksdale
Edward P. Connell
P. O. Box 368
Martin Douglas Cook
P. O. Box 786
John W. Crisler
319-20 McWilliams
Bldg.
Chester Harris Curtis
Box 368
Jack F. Dunbar
Stevens Bldg.
George M. Fleming
P. O. Box 368
L. Alex Gilliam, Jr.
Box 100
Thomas P. Givens
Brewer, Brewer &
Luckett
P. O. Box 306
Pascal D. Holcomb
Box 368
Joseph W. Hopkins
Stevens Bldg.
Stovall Lowrey
P. O. Box 662
Semmes Luckett
121 Yazoo Ave.
William O. Luckett
P. O. Box 306
Lawrence M. Magdovitz
P. O. Box 997
Sidney A. May
P. O. Box 237
G. F. Maynard
Box 488
William H. Maynard
P. O. Drawer 488
Ralph G. Metcalfe
Box 641
Leighton S. Miller
P. O. Box 219
Doyle Benton Moorhead
419 West Second
Thomas H. Pearson
P. O. Box 912
Leon L. Porter, Jr.
Box 431
Shed Hill Roberson
121 Yazoo Ave.
Harvey T. Ross
Box 339
Tom T. Ross
Box 339
Glover A. Russell
P. O. Box 115
Lester M. Sack
Box 626
Allan D. Shackelford
c/o U.S.F. & G. Co.
Elzy J. Smith, Jr.
Suite 222-226,
Stevens Bldg.
Charles L. Sullivan
P. O. Box 1196

James Edwin Upshaw
Box 306
Howard G. Woodward
Box 876
Judge E. M. Yerger
County Court

CLEVELAND
William B. Alexander, Jr.
112 N. Pearman St.
Judge William H. Bizzell
Chancellor, 7th District
P. O. Box 47
Ancil L. Cox, Jr.
116 S. Court St.
C. H. Crump
Joseph C. Feduccia
112 N. Pearman Ave.
Judge Ed. H. Green
Circuit Court
Lonnie E. Griffith
P. O. Box 151
John L. Hatcher
P. O. Box 151
Jones H. Hoskins
P. O. Box 1031
Joseph M. Howorth
515 S. Victoria Ave.
Lucy S. Howorth
515 S. Victoria Ave.
Robert E. Jackson
Charles C. Jacobs, Jr.
P. O. Box 151
Robert G. Johnston
Alexander, Feduccia &
Alexander
112 N. Pearman Ave.
Judge W. D. Jones
Courthouse
Alfred A. Levingston
Drawer 1031
C. Arthur McIntosh
P. O. Box 151
Ben F. Mitchell
P. O. Box 552
Dana C. Moore, Jr.
116 South Court St.
Hunter S. Neubert
1302 Avery
Wm. E. O'Hare
P. O. Box 630
Abe D. Somerville
P. O. Box 387
A. B. Sparkman
Carmon E. Valentine
205 S. Court Street
John White Valentine
205 South Court St.
Arthur C. Whittemore
P. O. Box 323
Delta State College
Frank O. Wynne, Jr.
Owen Bldg.

CLINTON
James V. Carr
Box 114
Herbert D. Farrell
Route 1, Box 22
William H. Hewitt
800 East Leake St.
Percy Howard Parkman
002 E. Leake St.
William R. Phillips
101 Sunset Drive
Frederick F. Roberts, Jr.
311 Building
John H. Rogers
1007 Tanglewood Dr.
George B. Taylor
716 Bellvue Street
Robert P. White, Jr.
805 E. Leake St.
Gladstone E. Williams
P. O. Box 172

COAHOMA
M. M. Butler
Route 1

COFFEEVILLE
J. P. Stone

COLLINS
William D. Adams
P. O. Box 521
William W. Allred
P. O. Box 521
W. W. Dent
John D. Kervin
Box 554
Dan A. McIntosh, III
Box 554
John K. Keyes
Tommy Bott Rogers
P. O. Box 204
Bonnie Smith
P. O. Box 364

COLLINSVILLE
Joe Henry Mulholland
Route 3

COLUMBIA
Vernon H. Broom
203 Newson Bldg.
Walter E. Bullock
P. O. Box 334
Bernard Callender
310-312 Newson Bldg.
William C. Callender
P. O. Box 604
James Seaborn Dale, Jr.
Watts Bldg.
Box 603
Judge Sebe Dale
Circuit Court
P. O. Box 603
Maurice Dantin
310 Newsom Bldg.
Richard D. Foxworth
216 Newsom Bldg.
Toxey Hall
310-312 Newsom Bldg.
Michael H. Lawless
Newsom Bldg.
James E. Rankin
Box 351
Ben Mounger Rawls
P. O. Drawer 232
Phillip Singley
203-04 Newsom Bldg.
Garland D. Upton
P. O. Box 46
James R. Davis
Box 222
Ernest R. Duff
216 Newsom Bldg.

COLUMBUS
William Ellis Bearden
P. O. Box 1032
William G. Burgin, Jr.
516 2nd Avenue N.
H. T. Carter
521 2nd Ave., N.
Chester D. Gaston
Apt. 5, Box 196
Hunter M. Gholson
Burgin & Gholson
516 N. 2nd Ave.
James Tyson Graham
Box 166
Thomas C. Harvey, Jr.
Box 1017
Dewitt T. Hicks, Jr.
P. O. Box 1094
John H. Holloman
P. O. Box 293
John H. Holloman, III
P. O. Box 293
W. H. Jolly
P. O. Box 743
Billy J. Jordan
P. O. Box 981
T. W. Lewis, Jr.
Box 152
Aubrey E. Nichols
514½ 2nd Ave., N.
Ben L. Owen
Box 1001
Jacob C. Pongetti
126 5th St. North
Joe O. Sams, Jr.
P. O. Box 249
J. O. Sams
514 2nd Ave., N.

George J. Schweizer
Box 1017
John F. S. Sims
P. O. Box 648
Taylor B. Smith
P. O. Box 1094
Douglas C. Stone
P. O. Box 166
R. C. Stovall
Box 591
Robert C. Stovall, Jr.
P. O. Box 591
W. J. Threadgill
P. O. Box 1094
Henry K. Van Every
P. O. Box 761
James A. Walters
519 N. 2nd Avenue
Robin Weaver
Box 1003
David J. Whitaker, Jr.
P. O. Box 981

COMO
J. M. Stockton
Route 1

CORINTH
W. C. Adams
Neal B. Biggers, Jr.
402 Franklin St.
Audrey Howard Brewer
500½ Filmore
David Lee Coleman
Box 741
James P. Dean
P. O. Box 207
Donald Ray Downs
P. O. Box 191
James Harris Forsyth
P. O. Box 532
James L. Gullett
P. O. Box 668
H. A. Hopper
Chambers-Liddon Bldg.
Frank K. Hughes
Route 6
Joe B. Mitchell
509½ Waldron St.
James E. Price, Jr.
Box 866
John Curlee Ross, Jr.
Box 741
William L. Sharp
Box 844
Earl Skelton
P. O. Box 207
Orma R. Smith
P. O. Box 191
Orma R. Smith, Jr.
P. O. Box 191
Carey Stovall
201 Chambers-Liddon Bldg.
N. S. Sweat
P. O. Box 227
Judge N. S. Sweat, Jr.
Circuit Court
P. O. Box 227
W. C. Sweat, Jr.
P. O. Box 128
Charles R. Wilbanks
P. O. Box 801
John Ronald Windsor
1504 Cruise Street
B. F. Worsham
Box 146

CRYSTAL SPRINGS
J. Harold Graham, Jr.
Box 287
James Warren Kitchens
186 N. Jackson St.
Merrimen M. Watkins
P. O. Box 233

DECATUR
James B. Everett
P. O. Box 51
Leo Horan
P. O. Box 367
William H. Johnson, Jr.
P. O. Box 55

DEKALB
J. H. Daws
Helen J. McDade
P. O. Box 112
Louie J. Spinks
Box 26

DREW
O. M. Marsalis
Robert B. Sessums
124 Green Ave.
Champ T. Terney, Jr.
105 S. Main St.
Pascol J. Townsend, Jr.
105 S. Main St.
James E. Welch
105 S. Main St.

DURANT
Carl F. Drake
Calvin R. King
Box 91
S. R. King
P. O. Box 91
James A. White
P. O. Box 283

DUCK HILL
David Dee Thomas

ELLISVILLE
Mary L. Busch
108 N. Court St.
W. D. Carmichael
P. O. Box 1368
Cecil G. Johnson
Box 403
Glender Dennis
P. O. Box 426

EUPORA
W. C. Butler
P. O. Box 86
William T. Denman, III
Drawer G
J. E. Eudy
W. D. Gary
P. O. Box 577
W. Buchanan Meek
Judge R. P. Sugg
Chancellor

FAYETTE
Harry L. Corban
R. L. Corban, Jr.
Carroll J. McLaurin
Richard M. Truly, Jr.
P. O. Box 344
James M. Walker
Box 36

FLORENCE
Billy C. Juhan
Box 371
Harry Lee Kelley
203 Barnett Bldg.

FOREST
T. Marx Huff
P. O. Box 87
William A. Huff
P. O. Box 179
Osborn G. Idom
P. O. Box 336
James Walter Lee
Box 385
Judge Percy M. Lee
Roy Noble Lee
P. O. Box 370
Tom Stewart Lee
P. O. Box 16
Howard B. McCrory, Jr.
P. O. Box 46
James Gray McLemore, Jr.
706 Hillsboro
William C. Thompson
P. O. Box 147
O. B. Triplett, Jr.
Box 247
O. B. Triplett, III
P. O. Box 247

FOXWORTH
Mrs. Uhl Poole Fornea
Box 314

FULTON
T. Victor Bishop
P. O. Box 563
J. Hollis Brown
P. O. Box 545
William Herman Camp
Euple Dozier
P. O. Box 284
Percy A. Martin
P. O. Box 491
Nell C. May
P. O. Box 538
Stacy B. Russell
307 Canton Street
Malcolm T. Yawn
P. O. Box 513

GLOSTER
Fred Alvin Anderson, III
Box 368
Walker J. Carney, Jr.
P. O. Box 99
J. T. Lowrey
Box 429
Joe Upton

GREENVILLE
George D. Abraham
Box 24
Nathan P. Adams, Jr.
P. O. Box 271
Edward J. Bogen
P. O. Box 689
Marvin Burchfield
1137 Lourdes St.
Roy D. Campbell
Box 895
Frank Carlton
P. O. Box 442
George L. Cottingham, Jr.
P. O. Box 40
Errett Evan Davis, Jr.
Commercial National Bank
Ralph D. Davison
Box 918
Fountain D. Dawson
Leyser Bldg.
P. O. Box 1151
Anse Dees
P. O. Box 460
Fred C. DeLong, Jr.
P. O. Box 895
Howard Dyer, Jr.
309 Weinberg Bldg.
Howard Dyer, III
309-10 Weinberg Bldg.
Guy Kenner Ellis, Jr.
635 Fairview Ave.
Holland O. Felts
P. O. Box 1098
Jerome S. Hafter
P. O. Box 622
Edward B. Hill, Jr.
P. O. Box 5613
Frank Watson Hunger
Lake, Tindall, Davison & McGee
P. O. Box 918
W. C. Keady
Box 895
William C. Keady, Jr.
P. O. Box 895
Judge Ernest Kellner, Jr.
Chancellor, 9th District
Raymond V. Kimble, Jr.
205-08 Weinberg Bldg.
J. A. Lake, Jr.
Box 918
Robert Hart Lake
Box 918
Robert T. Love
Box 1354
Phillip Mansour
Woolworth Bldg.
Burrell O. McGee
Wynn, Hafter, Lake & Tindall
Box 918
W. M. McGough
P. O. Box 660
W. L. McIlwain
P. O. Box 558
Horace L. Merideth, Jr.
P. O. Drawer 99
H. A. Miller
Box 1334
Julian David Orlansky
Box 1334
S. Ira Pittman
405-10 Weinberg Bldg.
Judge Zelma W. Price
Box 766
Tony P. Provenza
P. O. Box 357
Eugene J. Raphael
Woolworth Bldg.
James Robertshaw
P. O. Box 99
James L. Robertson
P. O. Box 895
Geo. Ramsey Russell
Weinberg Bldg.
Laurance J. Sievers
P. O. Box 506
George H. Slade
P. O. Box 1214
Earl Solomon
P. O. Box 453
Earl S. Solomon, Jr.
P. O. Box 453
Walter B. Swain, Jr.
Attorney at Law
Box 804
E. B. Taylor
Leyser Bldg.
Box 528
S. B. Thomas
P. O. Box 395
William Thomas, Jr.
948 Arnold Ave.
Charles S. Tindall
Box 918
John C. Webb
P. O. Box 676
Burwell B. Wilkes
Washington Cty. Svgs. & Loan Bldg.
536 Washington Ave.
Joseph E. Wroten
Box 1334
Douglas C. Wynn
P. O. Box 525
365 May Bldg.

GREENWOOD
Edward J. Antoon
Box 417
Norman C. Brewer
Box 411
Dorman Buford
Suite 202
LeFlore Bank Bldg.
James W. Burgoon, Jr.
P. O. Box 391
Travis H. Clark, Jr.
P. O. Box 411
Joseph G. Colson, Jr.
P. O. Box 364
Charles Milton Deaton
Box 411
George H. Dulin
Bell & McBee
P. O. Drawer 657
William P. Eason
P. O. Box 846
Gray Evans
Box 411
George A. Everett
P. O. Box 593
John J. Fraiser, Jr.
P. O. Box 391
William W. Franklin
808 Parsons St.
Arnold F. Gwin
P. O. Box 725
N. Shelton Hand
Box 671
James E. Higginbotham, II
Box 366

O. L. Kimbrough
Box 516
Hardy Lott
P. O. Box 725
R. Cunliffe McBee
Drawer 657
George Hite McLean
Box 516
Pearl McLellan
Box 54
W. H. Montjoy
Box 906
Yerger Morehead
Whittington Bldg.
Frank K. Odom
P. O. Box 674
H. Talbot Odom
Box 674
Porter W. Peteet
P. O. Box 263
James M. Pierce
P. O. Box 263
James C. Pittman, Jr.
c/o Odom & Odom
Box 674
Judge Charles Pollard
P. O. Box 393
William H. Roberson
P. O. Box 263
J. Stanny Sanders
P. O. Box 725
Gordon L. Smith
804 Bell Ave.
Richard L. Smith
Box 246
Seth Wheatley, Jr.
Box 389
W. M. Whittington, Jr.
P. O. Box 941
Fred Witty
P. O. Box 912

GRENADA

Jim McRae Criss
P. O. Drawer C
William H. Fedric
Grenada Bank Bldg.
Jay Gore, Jr.
Box 901
John T. Keeton
P. O. Box 666
Lucille T. Latta
P. O. Box 922
William A. Lomax
Evans Bldg.
Mitchell M. Lundy
11 Evans Bldg.
Judge Marshall Perry
P. O. Box 444
Leon E. Provine
P. O. Box 99
William O. Semmes
P. O. Box 567
Bryant Jerome Shaw
1176 S. Mound St.
Lida B. Shaw
1176 S. Mound St.
Samuel J. Waits
951 Fairfield Ave.

GULFPORT

Guthrie Turner Abbott
P. O. Drawer H
Bidwell Adam
P. O. Drawer BB
E. J. Adam, Jr.
300 Hewes Bldg.
Robert B. Adam
P. O. Box 1076
Judge Frank W.
Alexander
Chancellor, 8th
District
P. O. Box 986
Harry Roger Allen
P. O. Box 996
Jo Drake Arrington
410 Hewes Bldg.
Robert Barber, Jr.
P. O. Drawer DD
Robert Adam Bennett
P. O. Box 1625
Thomas Davis Berry, Jr.
1319-24th Avenue
Leonard A. Blackwell II
P. O. Box 88
E. D. Bostrom
P. O. Box 2223
Norman L. Breland
Hewes Building
Rae Bryant
P. O. Box 10
Pete H. Carruba
P. O. Box 1477
Everett E. Cook
P. O. Drawer C
Bruce G. Cornell
3rd Floor, Hewes Bldg.
David Cottrell, Jr.
P. O. Drawer H
Billy Marvin Davis
412-A Pass Road
William F. Dukes
123 Bayou Circle
Phil R. Dunnaway
P. O. Drawer C
James S. Eaton, Jr.
P. O. Drawer H
G. E. Estes, Jr.
Box 88
William Estopinal
Medical Building
John A. Evans
1317-24th Ave.
Milton Ray Fairchild
412 Pass Road
Jason H. Floyd
P. O. Box 1107
Jason H. Floyd, Jr.
P. O. Box 1107
Cary L. Fondren, Jr.
P. O. Box 141
E. J. Ford, Jr.
201 Hatten Bldg.
Charles R. Galloway
P. O. Drawer H
Robert Charles Galloway
1519 Kelley
John M. Gardner
1425-24th Ave.
Virgil G. Gillespie
206 Hewes Bldg.
D. M. Graham
203 Hardy Bldg.
D. M. Graham, Jr.
P. O. Box 22
Richard B. Graves, II
P. O. Box 1649
P. D. Greaves
Suite 308, Gulf
Nat'l Bk. Bldg.
T. J. Buckanan Heiss
1510-9th Ave.
Harry P. Hewes
Room 304, Hewes
Bldg.
Gaston H. Hewes
Hewes Bldg.
Judge William G. Hewes
P. O. Box 454
Viola J. Hilbert
Box 4043
Forrest E. Holder
22 Poplar Circle
Clyde O. Hurlbert
P. O. Box 902
Robert E. Husband
Suite 303-04, Gulf
South Bldg.
Robert Thomas Jackson
2414-14th St.
W. Roderick Johnson
P. O. Box 1720
Walter R. Johnson
211 Johnson St.,
Johnson Building
Oscar B. Ladner
P. O. Box 727
Eaton A. Lang, Jr.
P. O. Drawer H
Edward M. Lindsey
Box 524
Floyd Joseph Logan
309 Hatten Bldg.
William E. Logan
P. O. Box 1268
Judge Luther W. Maples
26th Avenue

Ernest G. Martin, Jr.
P. O. Box 730
Joseph R. Meadows
P. O. Box 1649
R. B. Meadows
Hewes Bldg.
Webb M. Mize
310 Gulf Nat'l
Bank Bldg.
John S. Morris
304 Gulf South Bldg.
George E. Morse
P. O. Box 100
Stanford E. Morse, Jr.
P. O. Box 100
Sherman L. Muths, Jr.
P. O. Box 127
Albert L. Necaise
P. O. Box 902
Paul M. Newton
2414 Fourteenth Street
H. G. O'Conor
4512 Jefferson Ave.
William R. Owings
Box 711
Owen T. Palmer, Jr.
P. O. Box 717
Robert D. Portwood
P. O. Drawer 760
William M. Rainey
P. O. Drawer S
Clayton Rand
The Dixie Press
Donnie D. Riley
P. O. Box 1649
Thomas Glover Roberts
1006-2nd St.
Thomas N. Roberts, Jr.
P. O. Drawer Y
George Rossetti, Jr.
P. O. Drawer "Y"
Scotty R. Rosetti
Box 1297
Ernest L. Shelton, III
4708 Jefferson Ave.
Donald O. Simmons
P. O. Box 1206
Upton Sisson
1913 Fifiteenth Street
George R. Smith
P. O. Box 177
Herbert J. Stelly, Sr.
P. O. Drawer "Y"
Thomas L. Stennis, II
P. O. Box 10
William L. Stewart
P. O. Box 717
Ben H. Stone
P. O. Drawer H
Thomas B. Sumrall
Hatten Bldg.
Charles T. Sykes, Jr.
1317-24th Ave.
Robert L. Taylor
P. O. Box 730
Hollis C. Thompson, Jr.
Box 580
R. W. Thompson, Jr.
310 Gulf Nat'l. Bank
Bldg.
McRae Turner, Jr.
Miss. Power Co.
Fred Haden Walker
2817-25th Ave.
Judge Harry G. Walker
P. O. Box 1529
Knox W. Walker
408 Hewes Building
James W. Ware
3310 Twelfth St.
Knox White
P. O. Drawer S
Neil W. White
P. O. Box 985
Neil W. White, Jr.
P. O. Drawer S
Marguerite L. Williams
1805 19th Ave.
Richard L. Yarbrough
P. O. Box 1138
Thomas Davis Yarbrough
P. O. Box 2188
Ralph D. Young
P. O. Drawer Y

HAMILTON
Geneva S. Blair

HANDSBORO
Cyril Thomas Faneca, Jr.
2110 Sweetman Blvd.
Edgar L. O'Neill, Jr.
2210 Sweetman Blvd.
George M. Quin
454 Champlin St.

HERNANDO
William Lloyd Rone

HATTIESBURG
Lawrence Arrington
P. O. Box 22
Robert E. Arrington
P. O. Box 22
Bruce C. Aultman
P. O. Box 750
Dorrance Aultman
P. O. Box 750
B. H. Baker
Box 801
J. C. Bell
P. O. Box 223
Carl E. Berry, Jr.
112 West Front St.
J. Lee Bilberry
302 First Federal Bldg.
M. D. Brett
Citizens Bank
Irvin H. Buchalter
P. O. Box 506
Frank Wilson Buckley
1011 Pitts Street
Robert L. Calhoun
Box 461
Lester Clark
302 First Federal Bldg.
Judge Harold B. Cubley
P. O. Box 969
Edward J. Currie, Jr.
P. O. Box 29
George W. Currie
Box 626
George C. Curry
P. O. Box 1709
T. W. Davis, Jr.
P. O. Box 529
James K. Dukes
P. O. Box 2055
James Finch
P. O. Box 1169
Lawrence Y. Foote
Drawer 1231
Sam Hooper Gammill
303 First Federal Bldg.
Herbert R. Ginsberg
First Federal Bldg.
Paul E. Grady
Box 1349
Reginald A. Gray, Jr.
201 Carter Bldg.
John S. Grove
220 Rebel Bldg.
Box 1024
Wallace R. Gunn
Drawer 1729
Judge Stanton A. Hall
P. O. Box 135
William Haralson
P. O. Drawer 1609
F. C. Hathorn, Jr.
Box 865
Rowland W. Heidelberg,
Jr.
401 Ross Bldg.,
Box 1070
Robert E. Hill
Carter Bldg.
P. O. Box 62
Paul H. Holmes
P. O. Box 2055
William J. Huff
302 First Federal Bldg.
Carroll H. Ingram
Box 24
W. Arlington Jones
Suite 405, Carter Bldg.

Rex Kenton Jones
The Conner Bldg.
Pine & Hemphill Sta.
William F. Jones
Box 95
Marie P. Kepper
Box 251
Joe R. King
304-05 Citizens Bank Bldg.
Box 227
Robert Lawrence Lennon
3rd Floor, First Fed. Bldg.
James F. McKenzie
401 Ross Bldg.
Frank D. Montague, Jr.
201-04 Carter Bldg.
Alfred Moore
111½ E. Front St.
Forrest M. Morris, Jr.
215 E. Front St.
William V. Murry
204 Conner Bldg.
Mildred W. Norris
P. O. Box 1633
Thomas D. Ott
P. O. Box 1386
Judge Howard L. Patterson
P. O. Box 808
Claude F. Pittman, Jr.
Box 227
Edwin Lloyd Pittman
P. O. Box 1445
Jack Homer Pittman
Box 227
Homer Pittman
Box 227
Moran M. Pope, Jr.
P. O. Box 750
William L. Richmond
119 Front St., Box 1148
Thomas J. Riley
P. O. Box 654
M. M. Roberts
Box 870
Elliott E. Schlottman
P. O. Box 1902
W. L. Shappley
P. O. Box 6
James Simrall, Jr.
P. O. Box 750
Howard M. Stroud
3500 Hardy St.
Michael David Sullivan
P. O. Box 1568
R. M. Sullivan
P. O. Box 1568
T. Harris Sullivan
Ross Bldg.
Dan Gary Sutherland
401 Ross Bldg., Box 1070
James H. C. Thomas, Jr.
Suite 210, Carter Bldg.
Joe A. Thompson
Box 348
J. Kearney Travis
Citizens Bank Bldg.
James K. Travis, Jr.
P. O. Box 590
Donald M. Waits
P. O. Box 1070
Robert A. Walker
P. O. Box 1568
Jack B. Weldy
P. O. Box 24
Ben M. West
P. O. Box 465
Southern Station
Darl Jene Whitecotton
P. O. Box 870
William W. Wicht, Jr.
Suite 100, Professional Bldg.
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E. Neil Young
P. O. Box 1288
Francis T. Zachary
P. O. Box 24

HAZELHURST

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P. O. Box 190
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Merit Community Program
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P. O. Box 1817
Roy D. Powell
P. O. Box 381
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Box 22567
John A. Price, Jr.
P. O. Box 1044
Victor B. Pringle, Jr.
3895 Northview, A-5
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Ralph D. Pruett, Jr.
237 Maywood
Fred H. Purser, Jr.
4442 Azalea Drive
John M. Putnam
P. O. Box 2075
L. Arnold Pyle
Box 427
Dixon Pyles
507½ E. Pearl
John Day Quarles, Jr.
935 Branch Street
Robert D. Ray
Suite 200,
Petroleum Bldg.
Woodrow W. Reagan
316 Kimwood Drive
William C. Reed, Jr.
Magnolia Towers
809 N. State Street
Charles C. Richmond
2601 Lake Circle
Drive
Bernard L. Riddick
145 Catalina Circle
C. R. Ridgway
Box 187
Louis Ridgway, Jr.
P. O. Box 187
William B. Ridgway
P. O. Box 187
J. K. Riley
403 Barnett Bldg.
A. H. Ritter, Jr.
P. O. Box 1200
Jack L. Ritter
P. O. Box 701
John M. Roach
P. O. Box 1084
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Fondren Station
Howard C. Ross, Jr.
309 First Fed. Svgs.
Bldg.
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Sts.
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P. O. Box 784
Lester Lackey Rowe, Jr.
233 North Farish St.
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1411-13 Standard Life
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4175 Old Canton Road
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William R. Ford
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John C. Love, Sr.
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Alton Massey
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Hoke Stone

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L. B. Melvin, Sr.
Box 142
Leonard B. Melvin, Jr.
Box 142
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Larry A. Pacific
Box 1860
Samuel V. Pack
P. O. Box 368
Charles W. Pickering
P. O. Box 713
L. Percy Quinn
P. O. Box 1085
Kalford C. Ratcliff
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Charles G. Reeder
c/o Central Oil Co.
Robert L. Ridley
Box 844
Quitman Ross
P. O. Box 464
Harold James Schneider
P. O. Box 852
Andrew S. Scott, Jr.
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A. S. Scott, Sr.
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Robert Sullivan
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Paul G. Swartzfager
Box 121
Raymond C. Swartzfager
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Raymond C. Swartzfager, Jr.
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P. M. Barrett, Jr.
P. O. Box 448
William Edward Ellington
P. O. Box 239
J. R. Gilfoy
P. O. Drawer 30
P. P. Lindholm
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D. T. Ruff
William Edward Thurmond, Jr.
210 North St.
H. Edwin White
208 Court Square

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Mary Jo Poole Forman
P. O. Drawer L
Joe D. Gordon
P. O. Box 268
Joseph D. Gordon, Jr.
P. O. Box 268
Kenneth Gordon
Box 373
F. W. Stratton
Box D

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John Adam Smith
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Albert E. Easterling, Jr.
409 East 2nd St.
Robert David Peel
141 Beach Park Place

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LOUISVILLE
R. W. Boydstun, Jr.
Box 342
R. W. Boydstun
Box 560
Frank M. Deramus
Box 31
Charles D. Fair
P. O. Box 509
J. Hoy Hathorn
Masonic Bldg.
James Cal Mayo
Box 509
Edward C. Prisock
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Neal Prisock
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Burris Olen Smith
Box 31

LUCEDALE
William T. Bailey
P. O. Box 493
John Laverne Dale
P. O. Box 67
H. M. Hunter
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Darryl A. Hurt
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Maurice L. Malone
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J. O. Moss
P. O. Box 572
Williams S. Murphy

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Bobby J. Garraway
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Joseph H. Montgomery
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Ernest L. Brown
W. B. Lucas
Leroy R. Kenneday
Jefferson Street
L. L. Martin
Jesse P. Stennis
Jefferson Street

MADISON
H. S. Owens
P. O. Box 7

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L. R. Floyd
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Willis T. Matthews
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Ney M. Gore, Jr.
P. O. Box 330
T. N. Gore
Lomax Lamb, Jr.
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Louis Alford
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James Phillip Cothren
South Blvd.
John B. Ewing
P. O. Box 428
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P. O. Box 853
Judge Bert H. Jones
William Timothy Jones
P. O. Drawer G
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Gerald M. McMillan
P. O. Box 73
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K. Maxwell Graves, Jr.
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Charles Herring
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W. Wilson Hewitt
Nolan M. McCoy
Box 265
H. B. Mayes McGehee
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Ras Milton Boyles
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P. O. Box 402
A. K. Edwards
Box 66
George B. Grubbs
Box 217
James Dent May
P. O. Box 37
Thomas H. Sullivan, Jr.
Box 37
J. W. Walker
Box 37
Connie S. Whitfield
Box 458
George C. Williamson
Box 687

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Lyle V. Corey
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P. O. Box 1362
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Box 682
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Jack A. Morris
P. O. Drawer C
J. P. Patterson
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Ben Himelstein

MORTON
Charles G. Clifford
Dannye L. Hunter
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Louis Fondren
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P. O. Box 83
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P. O. Box 1287
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Vernon Henry Chadwick
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P. O. Box 222
Thomas K. Green, Jr.
Box 262
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319 Market St.
Lucien C. Gwin, Jr.
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G. Stuart Handy
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Graham H. Hicks
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Box 364
Oliver M. Hornsby
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John E. Mulhearn
P. O. Box 251
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Robert L. Netterville
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138 Homochitto St.
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Claude Pintard, Jr.
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J. Fred Schmidt, Jr.
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Samuel Barnett Serio, Jr.
221 Linton Ave.
Cecil Gill Smith, Jr.
Box 702
William Marion Smith
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Henry Hughes King
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Monroe, II
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Phillip Davis Bryant
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James McClure, Jr.
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Judge Curtis M. Swango, Jr.
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309 Tate St.
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Breed O. Mounger
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FEDERAL CIVIL PRACTICE

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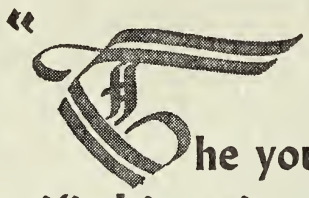

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